MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

TO THE LAFAYETTE CITY COUNCIL:

We are a six-person family living in a four bedroom house, and desperately need an additional bedroom to allow our older children more privacy, and to allow at least some space for visitors. Our modest plans to add a bedroom suite over our garage were recommended for approved by both the DRC and City staff. We are therefore appealing to the City Council to overturn the Planning Commission's decision to deny our application, as there is no other reasonable way we can add the much needed bedroom.

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Background

Mr. & Mrs. Inglis have lived in the Lamorinda area since moving to California in January 1997. They purchased 3538 O'Conner Drive in November 1998, and have lived there ever since. When they moved in with their two children (aged 4 and 6) the four bedrooms allowed ample room for the family, plus space for guests. However, since that time the Inglis have adopted two more children, and with all four (now aged 8, 14, 16, and 21) still living at home the house is bulging at the seams. Not only do the eldest two girls share a room, but when guests come to stay all three girls have to share.

For this reason the Inglis' planned to purchase a new property in Lafayette to provide the necessary extra rooms and space, and placed an offer on a property on St. Marys Rd. in the summer of 2008. Because of the sub-prime mortgage problems this deal fell through, and the Inglis' started looking at whether an extension to their existing property would provide sufficient extra space without needing to buy and sell property in what was then, and still is, a very uncertain market.

During this period Mrs. Inglis mother was knocked down and then run over outside her house in England. The accident has since left her partially disabled, while at the same time her local support network in England (her son and family) moved abroad. As a result a need developed for the Inglis' to be able to have her stay with them in Lafayette for periods of several weeks at a time.

The Inglis then felt that most of their needs could be reasonably addressed by adding a new master bedroom suite to their existing property, and for several reasons (detailed later) an addition over the garage structure was deemed to be the only viable solution. The Inglis therefore applied for permission to construct an over-garage addition to contain a new bedroom suite. This application was first considered at a DRC meeting on December 9, 2008. However, after three DRC meetings and two Planning Commission meetings there is still no final decision on whether this addition can be built.

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CITY OF LAFAYETTE
PLANNING DEPT.

MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

Summary of Reasons for Appeal

The project required the following approvals:

- Change of Conditions per MS511-89 to increase the floor area above 3,115 required in condition number 33.
- Design Review Approval per section 6-1903 & 6-275 to construct an addition over 17-feet in height.

On December 9, 2008 the Design Review Commission (DRC) unanimously recommended to the Planning Commission approval of the original design, size, and location of the addition currently under consideration (with one requested clarification). This resolution is documented in DRC Resolution 2008-35.

At the Planning Commission meetings on April 2, 2009 the Commission focused on design issues, in particular the location of the addition and its affect on the neighbors. The Commission did not rule on the requested change to condition 33.

At subsequent DRC meetings on February 24, 2009 and March 24, 2009 the applicants suggested design changes to reduce massing and bulk. However, the DRC felt that these changes reduced the visual appeal of the proposal, and they were not approved, as documented in DRC Resolution 2009-2.

As a result, the originally design (with requested clarification) as approved by the DRC on December 9, 2008 was again presented to the Planning Commission on April 2, 2009. **This was then incorrectly denied on the grounds of not meeting findings for the subdivision as per DRC Resolution 2009-02, which refers to the design that was not being presented to this meeting.**

At both of the Planning Commission meetings the Commission chose not to rule on the requested change to condition 33, but instead focused on design issues. By not ruling on the requested condition change, but instead allowing more discussion of design issues, the Commission was implicitly agreeing to the change to condition 33 (Why allow more meetings if they were going to rule against it?) subject to approval by DRC.

As the proposed design meets all original findings (DRC Resolution 2008-35), and as we demonstrate below that there is no reasonable alternative location for the addition, we appeal to the City Council to approve the change to condition 33 and to the project as a whole.

MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

Extracts From Meetings Supporting Initial Over-Garage Design

DRC hearing – December 9, 2008

Public Response – none. **Staff Analysis/Recommendation** – "Staff recommends that the Design Review Commission recommend approval of the application to the Planning Commission."

Extracts from Minutes:

- "Staff supported the application given the small size of the addition. Ms. Warmoth noted while typically second story additions were preferred to be centered, this addition's location to the side was acceptable due to the existing surrounding vegetation on the subject lot as well as the surrounding lots."
- "Commissioner Hertel agreed with staff's analysis and had no problem with the location and configuration of the addition."
- "Commissioner Ptaszynski found the design scheme acceptable and found it refreshing to see such a modest addition."
- "Commissioner Hertel moved to recommend approval of the change of conditions because of the modesty of the addition and its low impact due to the surrounding environment. He recommended that the windows on the east elevation be clarified as to sill height to insure the privacy of the eastern neighbor."
- "Commissioner Cleaver seconded the motion, which was carried by unanimous consent."

Requested Changes:

- "The Design Review Commission felt that the windows along the eastern elevation could pose a privacy impact to the adjacent neighbour if the sill heights were very low. They requested the sill heights for the windows to be labeled clearly on the plans."
- "Revise all elevation drawing to clearly illustrate how roof tie ends will be constructed."
- "On January 5, 2009 applicant's submitted revised plans illustrating the requested changes..."

This design meets all findings for this Subdivision, as documented in DRC Resolution 2008-35.

Planning Commission hearing – January 22, 2009

Public Response – Letter from Collin and Nancy Crawford mailed on January 21, 2009, listing objections regarding height and location ("...would totally block our light"), noise, rain runoff, number of pets, overgrown shrubbery, vermin, and "privacy ... eliminated."

Staff Analysis/Recommendation:

- "To address potential privacy concerns the applicant has selected small window size along the eastern facade. These windows have a higher sill height of 5 feet to further reduce privacy impacts."
- "Staff supports amending this condition ["total floor area of all structures shall not exceed 3,115 sq. ft."] as the additional square footage will have minimal impact off site ... is approximately 39 feet from the nearest building corner of the adjacent residence ... and will not reduce the building coverage reducing outdoor living areas."
- "The Planning Commission requested a second review by the Design Review Commission to ensure that privacy of the adjacent residence will not be unduly impacted by the proposed addition."

Requested changes:

- "After discussion, deliberation and public comment the Commission made the following response: That the application be reviewed again by the Design Review Commission to address the privacy concerns raised by the neighbor."

MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

Addressing Privacy Concerns Raised By the Neighbor

At the Planning Commission meeting on January 22, and again at the DRC meeting on February 24 Mr. & Mrs. Crawford (neighbors to the east) presented some concerns. These are documented in a letter from them dated January 20, and addressed by the Inglis' in a reply letter dated January 31, which corrected various factual inaccuracies. The Crawfords' main relevant concerns were:

- "...direct line of sight from the proposed add-on into our bedrooms"
- "The proposed structure would be massive in proportion to our U-shaped 1 story home."
- "our privacy will be eliminated and quiet enjoyment impaired..."
- "Addition of the current garage to 24 feet would totally block our light."
- "Increasing the garage height will prevent any light from coming through."
- "... a center of home addition ... would be designed so that it does not unreasonably reduce the privacy or views of adjacent property."

The privacy issue was fully addressed by the applicant at the DRC hearing on February 24,2009, as shown below:

Extracts from Minutes of DRC hearing – February 24, 2009:

- "Staff felt that while the second story addition was forced to one side because it was over the garage, given the constraints of the lot, it was a reasonable location for the addition. Other positive features of the proposal included:
    - The location of existing vegetation along the property line to the adjacent neighbor
    - The addition exceeded the 10-ft side yard setback and has been stepped back additionally
    - The design incorporated small windows that provide light without views to the neighbors property.
- Staff found the privacy of the adjacent neighbour would not be unduly impacted by the proposed addition."
- "Mr. Claydon stated that the applicant would like to keep the small windows in the proposed master bedroom with the 5-foot sill height... However, Mr. Claydon advised the applicant was willing to eliminate the windows and use skylights instead if that were a preferable option to the Design Review Commission."

Addressing Other Concerns Raised By the Neighbor

Quote from the DRC hearing on February 24,2009:

- Ms. Warmoth "commented that the Planning Commission felt the Design Review Commission had not benefited from the neighbor's concerns and felt the information submitted by the neighbor might bring to light new considerations."

The following addresses these concerns (quotes taken from the Crawford's letter of January 20, 2009):

"The proposed structure would be massive in proportion to our U-shaped 1 story home."
At approximately 2996 sq ft, the floor area of the Crawford's home (excluding garage) is around 12.5% greater than that of the Inglis, which is 2662 sq ft. In addition, despite being situated at a lower elevation, the highest ridge line of the Crawford's home is actually above that of the Inglis. The proposed addition would not therefore make the Inglis' home "massive in proportion."

"Addition of the current garage to 24 feet would totally block our light."
"Increasing the garage height will prevent any light from coming through."
The applicant accepts that an addition to the ridge height of the garage structure would result in a small reduction in the sunlight reaching the Crawford's back yard. However, because of the existing hedge and trees this reduction is minimal except for short periods during the winter, as detailed below.

The garage and proposed extension are situated due west of the Crawford's back yard. The east side of the proposed extension runs north-south, and would be situated approximately 13 ft from the eastern edge of the existing evergreen hedge (currently 7 ft 6 in high) on the Inglis' property. Because this hedge already shades the Crawford's back yard for part of the day, the periods during which the extension could possibly shade any part of the Crawford's property is restricted to times when the sun:

- Has moved far enough to the west, and
- Is low enough in the sky that the shadow of the extension appears over the top of the hedge.

First, because the proposed extension is set more than 13 ft to the west of the north-south property line, no part of the extension could shade the Crawford's property until after 2 pm (daylight savings: 3 pm), when the sun is far enough to the west.

The second consideration is that the Crawford's property extends approximately 24 ft north of the proposed extension. Therefore, even during days when the extension provides some shade, the shadow sweeps a path across the Crawford's property, with the sun starting to appear again past the north end of the extension onto the Crawford's property at approximately 3:30 pm (daylight savings: 4:30 pm). Therefore, the extension could only provide shade to any particular part of the Crawford's property for a period of 1 ½ hrs at most, as the shadow sweeps across the ground.

However, even when the sun is far enough to the west there would still be no shading created by the extension until the sun was low enough in the sky for the shadow to rise above the top of the hedge mentioned above. While in winter this does not affect the 'shadow start time,' in the summer the shadow of the extension would not start to touch the Crawford's property until approximately 3:40 pm.

Finally, the times given above are those for which the shadow of the extension starts to touch the Crawford's property, and it is not until 1 hr later (winter) and 2 hrs later (summer) that the shadow has

lengthened enough to reach the Crawford's house itself.

The overall effect would be as follows:

- Winter: First shadow: 2pm. Shadow reaches house: 3pm. Shadow starts to recede: 3:30pm.
- Daylight Savings: First shadow: 3:40 pm. Shadow reaches house: 5:40 pm. Shadow starts to recede: 5:10 pm.

The times above are those during which the extension could possibly shade the Crawford's property *in the absence of any screening provided from the Crawford's existing trees to the east of the property line.*

However, because from mid-April through Fall the Crawford's trees provide a considerable degree of shade themselves, for most of the year the proposed extension has very little effect on the light entering their property. Even during the winter there are only 2 hrs at the end of the day when the shadow could prevent sunlight from entering the Crawford's house.

See supporting photographs 1-4 below, showing the extent of the screening effect, and the degree to which the Crawford's own trees shade their yard and house.

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Other Neighborhood Concerns

DRC hearing – February 24, 2009

"Commissioner Cleaver moved to continue MS511-89CC & DR32-08 to March 24, 2009 to allow the applicant an opportunity to coordinate with their neighbors and to reconsider their design to appropriately address the neighbor's concerns about the bulk and mass."

Prior to the above meeting Mr. Inglis had met with their neighbors to the south east (3534 O'Connor Drive) and the south (3540 O'Connor Drive), and had received no objection from either (A letter from the neighbors at #3540 was included in the meeting packet). Subsequent to the DRC meeting Mr. Inglis received letters from the neighbors at 3534 and 3542 O'Connor Drive, both providing no objections. These additional letters were part of the information packet presented to the Planning Commission on April 2, 2009.

Mr. Inglis also had a telephone conversation with the owner of the apartments to the north, during which the owners only request was for trees to be added to provide some screening between the proposed extension and the apartments.

On February 28, 2009 Mr. Inglis wrote a letter to the Crawford's re-stating their position regarding the location of the proposed extension, and requesting a meeting to discuss the Crawford's issues and to see from their property how the area of the proposed extension appeared.

The Crawford's responded by instead suggesting a meeting at Starbucks in Lafayette on March 15. At this meeting they stated clearly that they objected to any extension over the garage, whatever the size or design. This is because they are looking to sell their house in a year, maybe two, and Mrs. Crawford believes that an over-garage extension would reduce the value of their home.

To summarize, the only objection was from the Crawfords, who are planning to sell their home in the near future. The neighbors to all other sides were either positive or had no objection to the proposed extension.

MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

Reduction in Size, and Center of Home Addition

It has been suggested that a reduction in the north-south dimension of the extension would reduce the massing and increase the light reaching the Crawford's property. This suggested reduction is impractical and/or would have very limited effect for the following reasons:

- Moving the south wall to the north has little effort on either the light or mass, because the location of the south wall coincides with the ridge of the house. Not only would locating this wall further north look very strange because of the way it would blend with the garage roof, but the existing house ridge would then be visible instead of the extension.
- Moving the north wall significantly to the south is not possible because of the constraints imposed by the position of the top of the staircase on the west wall of the family room (to the north of the garage). It should also be noted that even if it was possible, moving this wall south would result in less than 4 extra minutes of sunlight for each foot moved.

The applicant and owners have several times pointed out that a second story center of home addition is not feasible. However, despite this the DRC and Planning Commission still seemed to feel that this is a viable alternative to the current proposal, so it is necessary to provide details here of why this is not the case.

- **Structure:** The house is of modular construction on a pier-and-beam foundation, and was delivered to the site in three long sections that are aligned on an east-west axis. Because of this construction the house would require major structural alterations to allow any central extension to be added over the existing structure. In contrast the garage is a separate structure on a typical concrete slab foundation, and would be able to support an extension with minimal structural alteration.
- **Height:** The house is raised approximately 3 feet above the garage. In addition it has vaulted ceilings, with the central corridor having a 10 ft 6 in ceiling height. Therefore any central extension would be several feet higher than an equivalent extension over the garage. The alternative of lowering the ceiling height in the house would require a completely new roof throughout, and is in any case not feasible because of the modular construction.
- **Screening:** The east side of the property (where the garage is located) is, as previously discussed, to a considerable degree screened from the neighbors. However, the whole of any central extension would be clearly visible from the house and back yard of the neighbors to the south, where there is no suitable screening of any kind. ***See supporting photo 5 below, taken from the location of the suggested center of home addition. This view shows the high degree of visibility and loss of privacy that would occur from having an addition in this location.***
- **Design:** Because there is an existing stairway from the house down into the garage structure, extending this stairway upward into the extension is simple, and has a minimal impact on the existing family room behind the garage. However, adding a new stairway in the center of the house would require removal of either an existing walk-in closet or bathroom, or a significant reduction in the size of an existing bedroom. Additional space in the extension would then be needed to compensate for this.
- **Other Properties:** Several other properties in O'Conner Drive have over garage or non-center extensions, and hence an over-garage extension would not be unusual for this location. ***See supporting photographs 6 below, showing views of other properties in O'Conner Drive having existing non-central or over-garage extensions.***

Note that at no time have any of the Commissioners (DRC or Planning Commission) requested to enter the owners house to verify for themselves the issues raised above regarding structure, height, and design.

MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

Change to Condition 33.

Planning Commission hearing – January 22, 2009

"Commissioner Chastain asked if this could be returned to Design Review."
"Ms. Warmoth said that if the Planning Commission feels that there are design elements to be resolved, then it would need to go back with clarity."

Planning Commission hearing – April 2, 2009

"On April 2, 2009, the Planning Commission considered your application described above. The Commission denied your application without prejudice based on the required findings."

At both of the above noted Planning Commission meetings the Commission chose not to rule on the requested change to condition 33, but instead focused on design issues, in particular the location of the addition and its affect on the neighbour to the east.

In both cases the Commissioners ruled in such a way as to allow further meetings to take place to resolve perceived design issues, specifically the issues raised by the objection of just one neighbor. This indicates that they were intending to rule in favour of the change to condition 33 later, once the issues raised by the neighbor had been resolved.

The reasoning here is that it would have been a great waste of time, money, and effort by the applicant, the owners, and the City of Lafayette to allow further meetings take place after the initial Planning Commission meeting, and to reject the application without prejudice (thus allowing re-submission of the application) at the second meeting, if all this time and effort was going to be wasted by later ruling against the change of condition.

Conclusion

This document presents evidence of the following:

- The original design (with clarification) was unanimously approved by the DRC and meets all findings for the subdivision, as documented in DRC Resolution 2008-35
- The only objection came from the neighbors to the east, who have stated that they object to an extension in the proposed location because it would reduce the value of their home when they sell it in the next one to two years. However, the design does not affect their privacy, and as documented causes minimal loss of light. It is therefore unlikely to adversely affect the value of their property.
- Reducing the mass of the proposed extension by moving the north or south walls has a negligible effect on the light reaching the property to the east.
- There is no other practical location for the addition, and in particular a center of home addition would severely adversely affect the neighbors to the south.

Consequently we believe that we have countered all objections to an extension in the proposed location, and request that you approve our application.

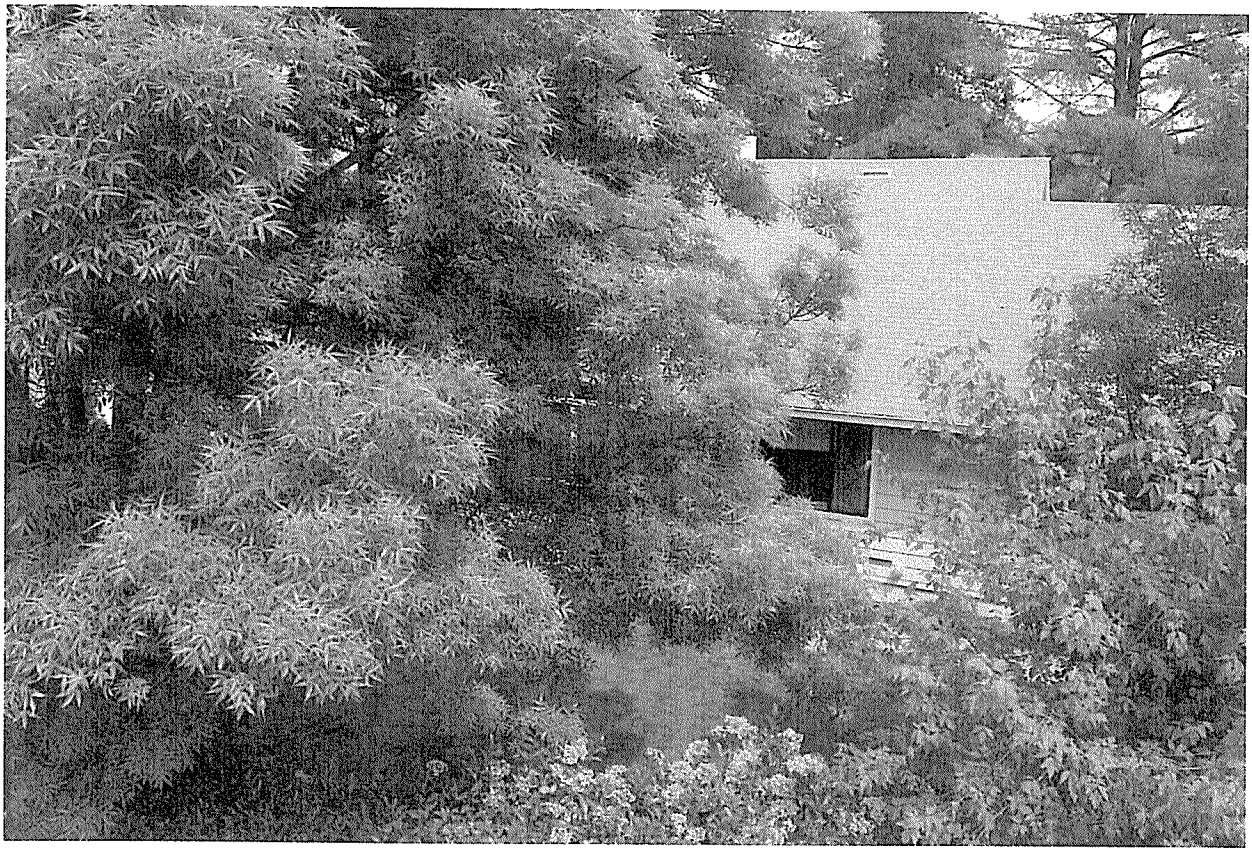
David Claydon (Applicant)

David & Anne Inglis (Owners)
3538 O'Conner Drive,
Lafayette, CA, 94549

MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

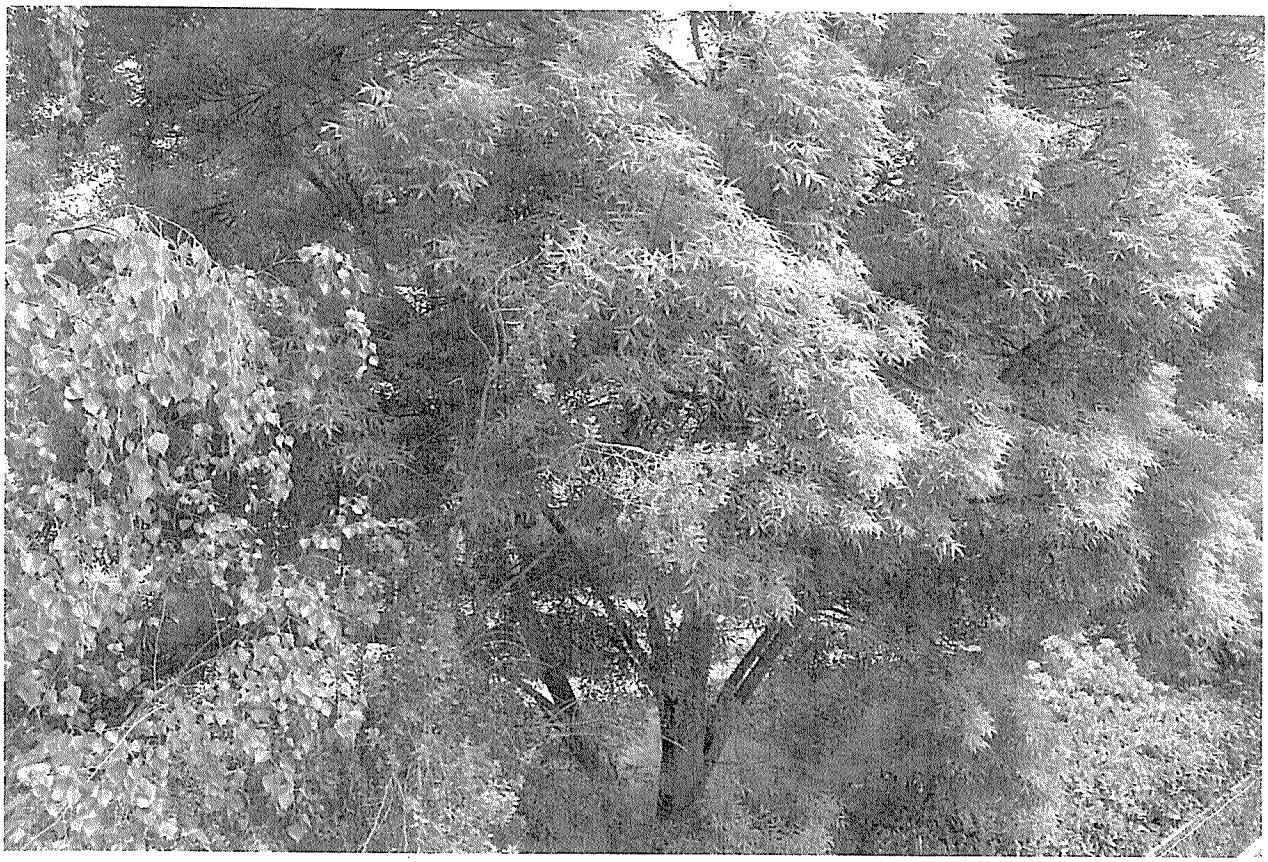
Supporting Photographs

1) View of neighboring property to the east, taken from location of south-east corner of proposed addition



MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

2) South-east view of neighboring property to the east, taken from location of north-east corner of proposed addition.



MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

3) North-east view of neighboring property to the east, taken from location of north-east corner of proposed addition.

MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

4) View of neighboring property to the east, showing:

- **Shadow created by neighbors trees starting to show on the west side of their house; while**
- **Shadow generated by existing garage (to the right of the picture) is still approximately 4 feet below top of hedge.**

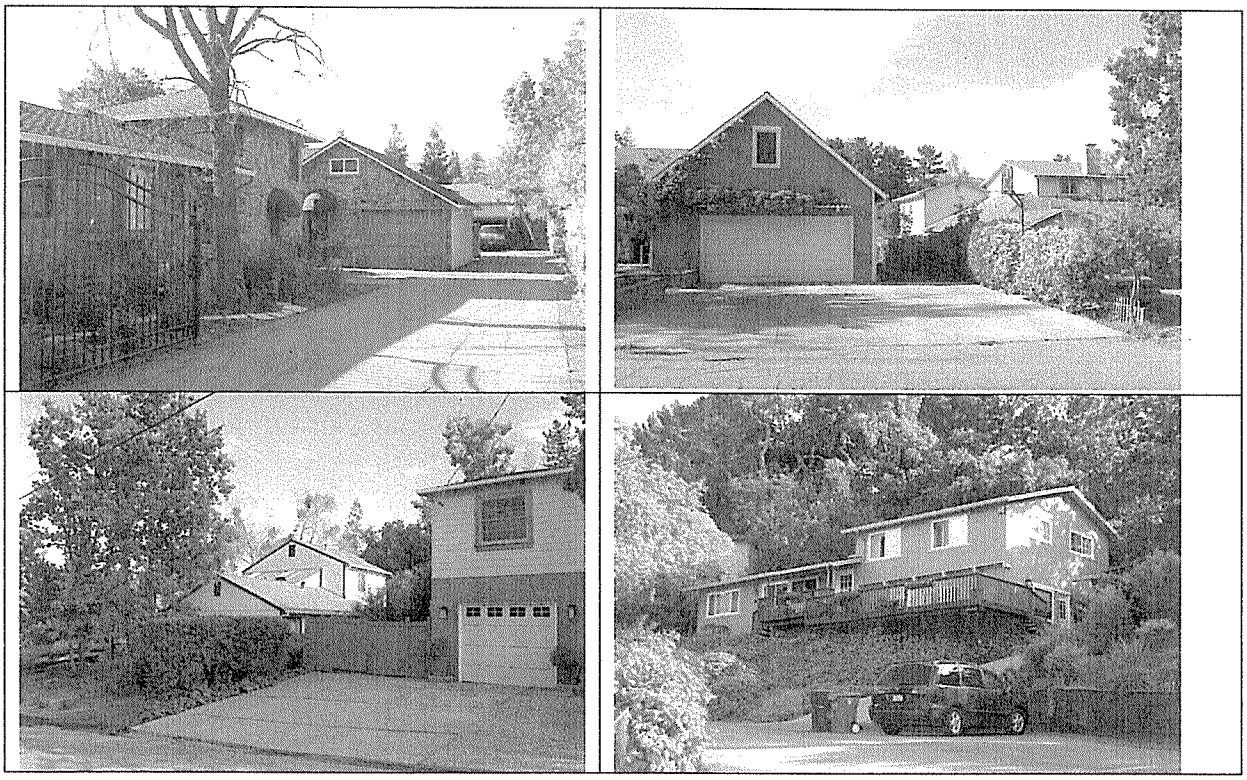
Note: The shadow of the proposed extension would be just clearing the top of the hedge at this point.

MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

5) View of neighboring property to the south, taken from location of suggested center of home addition. This view shows the high degree of visibility and loss of privacy that would occur from having an addition in this location.

MS511-89CC & DR32-08 David Claydon (Applicant), David & Ann Inglis (Owners), R-10 Zoning - Appeal

6) Views of other properties in O'Conner Drive having non-central or over-garage extensions.



Meeting Minutes • DRC 2009-12-09

CITY OF LAFAYETTE
DESIGN REVIEW COMMISSION
Minutes

LAFAYETTE COMMUNITY CENTER
500 St. Mary's Road
Lafayette, CA

December 9, 2008
7:00 p.m.

1. The meeting was called to order at 7:10 p.m. by Commission Chair Bill Marquand.

2. Commissioners present: Commission Chair Bill Marquand, Commissioners Bob Cleaver, Andre Ptaszynski, and Tom Lee. Commissioner Ken Hertel joined the meeting at 8:05 p.m.

Staff: Lindy Coburn, Associate Planner; Glenda Warmoth, Assistant Planner; Michael P. Cass, Assistant Planner

3. **ADOPTION OF AGENDA:** Ms. Coburn advised that the applicant has requested that agenda item 8A, HDP11-08, be continued without consideration to January 13, 2009. Commissioner Lee moved to adopt the agenda and continue HDP11-08 to January 13, 2009, at the request of the applicant. Commissioner Cleaver seconded the motion, which carried by unanimous consent. (4-0-0)

4. **PUBLIC COMMENT:** None

5. **STUDY SESSIONS:** None

6. **SIGNS:** None

7. **CONSENT CALENDAR:** Commissioner Cleaver moved to approve the Consent Calendar. Commissioner Lee seconded the motion, which carried by unanimous consent. (4-0-0)

A. ~~**MINUTES FROM THE NOVEMBER 12, 2008 MEETING Recommendation:** Approve~~

~~B. **HDP20-08 DONNA & THOMAS AMEN (APPLICANTS & OWNERS) LR-10 ZONING:** Request for (1) Hillside Development Permit pursuant to Section 6-2015 of the Lafayette Municipal Code ("LMC"), (2) exception to build within 250-ft. of a Class II protected ridgeline pursuant to Section 6-2027 LMC, (3) Design Review pursuant to Section 6-1903 LMC to a new ~5,800 sq. ft. one-story single-family residence on a vacant lot in the Hillside Overlay District with a maximum roof ridge height of 25-ft. located at 3315 Hillside Terrace. APN 230-030-065. **Recommendation:** The application has been withdrawn. Receive and file. **Project Planner:** Greg Wolff~~

~~8. **CONTINUED PUBLIC HEARINGS**~~

~~A. **HDP11-08 KELLY & CARRIE BARLOW (APPLICANTS & OWNERS), R-20 ZONING:** Request for: (1) Hillside Development Permit pursuant to Section 6-2015 of the Lafayette Municipal Code (LMC), (2) Change of conditions to MS501-91 to change the scenic easement area, and (3) Grading Permit pursuant to Section 3-701 LMC to grade 365 cu. yd. of cut for the construction of 3 arbors, an entry gate, retaining walls, a swimming pool and spa, and significant landscaping within the side and rear yard of a developed lot within the Hillside Overlay District, located at 810 Mountain View Drive. APN 241-150-018. **Recommendation:** Consider the matter, take public testimony, and approve the applications, subject to conditions. **Project Planner:** Greg Wolff~~

~~Continued without consideration to January 13, 2009.~~

~~B. **HDP22-08 ROBERT HAYES (APPLICANT), DOUGLAS JOHNSON (OWNER), R-10 & R-20 ZONING:** Request for (1) a Hillside Development Permit pursuant to Section 6-2015 of the Lafayette Municipal Code ("LMC"); (2) Design Review pursuant to Section 6-1903 LMC; and (3) a Grading Permit pursuant to Section 3-701 LMC to construct a 1,376 sq. ft. two-story addition with a maximum ridge height of 29-ft., requiring 310 cubic yards of grading (cut), to an existing 2,844 sq. ft. two-story residence with an existing ridge height of 21-ft. located within the Hillside Overlay District at 1847 Reliez Valley Road. APN~~

~~Citibank building and did not find it consistent with the surrounding area. He supported staff's recommendation.~~

~~Commission Chair Marquand agreed with the previous comments. He commented that as architects, they did not like weird associations, and they generally associated trellises with natural wood and arts and crafts values. Commission Chair Marquand stated that he has visited this public building many times and always felt it was incredibly dark, so that he understood the applicant's motives behind the repainting. However, he felt the blue color chosen and the amount of the blue color was out of question.~~

~~Commissioner Ptaszynski moved to continue DR34-08 to January 27, 2009, to allow the applicant time to submit a revised colors and materials board in response to the Commission's and staff's comments and recommendations. Commissioner Ptaszynski recommended that the blue trim be eliminated except as trim in certain locations, subject to the applicant providing a more appropriate application of color. He noted that the structural elements, as opposed to the fascias, should not be in blue.~~

~~Commissioner Lee clarified that the applicant did not need to submit renderings but just drawings with arrows identifying the color locations. Commissioner Cleaver recommended submitting a photograph of the building along with a paint chip sample of the proposed colors.~~

~~Commissioner Cleaver seconded the motion, which carried by unanimous consent. (5-0-0)~~

~~Commissioner Lee left the meeting at 8:30 p.m.~~

9. **NEW PUBLIC HEARINGS**: (8:30 p.m.)

A. **DR32-08 DAVID CLAYDON (APPLICANT), DAVID & ANN INGLIS (OWNERS), R-10 ZONING**: Request for: (1) design review pursuant to Section 6-1903 of the Lafayette Municipal Code to construct a 576 sq.ft. second-story addition over the existing garage with a maximum ridge height of 24'-0" increasing the total square footage to 3,684-sq.ft. thereby requiring (2) a change to Condition of Approval #33 for the minor subdivision that created the lot (file number MS511-89) that restricts the total floor area of all structures on the lot to 3,115 sq.ft. located at 3538 O'Conner Drive, APN 241-200-046. **Recommendation**: Consider the matter, take public testimony, and recommend approval to the Planning Commission. **Project Planner**: Glenda Warmoth

Ms. Warmoth reported that the subject property was a rear flag lot not visible from the street. Going down the driveway the proposed second story element would be visible above the existing garage. The project required a subdivision (MS511-89) change of condition number 33, which restricted the total floor area of all structures on the lot to 3,115 sq.ft. with a maximum structure height of 24-feet, thus requiring design review approval. The Design Review Commission was requested to comment on architectural massing and make a recommendation to the Planning Commission.

Staff supported the application given the small size of the addition. Ms. Warmoth noted while typically second story additions were preferred to be centered, this addition's location to the side was acceptable due to the existing surrounding vegetation on the subject lot as well as the surrounding lots. She further noted that the proposal maintained all required setbacks.

David Claydon, project architect, stated that the back of the existing garage was 12-feet in height and the buildings beyond the rear property line consisted of taller apartments. There was an existing dense vegetation screen on the side of the proposed addition, including a row of redwoods and some oaks. Mr. Claydon advised that the street front house had a garage behind it. The proposed addition would not be visible from the street. He explained that the addition was placed to the side because the living area of the house had 14-foot vaulted ceilings, as well as an elevated floor, that would create too steeply pitched roofs.

David Inglis, property owner, stated that he and his wife have four children, two of which are teenagers sharing a room. There was also no guest room. His mother-in-law, who lived in England, was recently injured and needed assistance. She would be coming to the U.S. for 6 months out of the year and they needed to expand the house to accommodate her and the rest of the family.

Commissioner Hertel asked about the current garage space and whether there was sufficient room for two cars. Mr. Inglis confirmed there was space for two cars in the garage. Commissioner Hertel noted there was an existing stairway that appeared to impinge upon the garage space and wondered whether a garage extension would also be appropriate to maintain the City's minimum standard.

Commissioner Hertel asked about the house next door. Mr. Claydon described the neighboring home as a large structure with a separate large addition. The house and addition was all one story and completely filled the lot.

Commissioner Hertel asked about the sill height on the eastern windows of the addition. Mr. Claydon stated that the plan had not been finalized pending Planning Commission approval of the change of conditions but they preferred to wait to frame the windows in order to capture the view of the hills. Commissioner Hertel commented that given the windows' potential impact on the neighbors, the idea of free-form window placement did not seem appropriate. Mr. Claydon noted there were large screen trees and other dense greenery located on the neighboring property. Commissioner Hertel commented that it would be helpful to know what the head height and sill height of those windows would be.

Mr. Claydon hoped that the application could be expedited in the Planning Commission approval process, noting that the design would have to come back to the Design Review Commission after Planning Commission approval.

Commission Chair Marquand opened the hearing to public comment. Hearing none, the public hearing was closed and the matter brought to the Commission for comment and recommendations to the Planning Commission.

Commissioner Hertel agreed with staff's analysis and had no problem with the location and configuration of the addition. He commented that from a design standpoint that once the windows on the eastern side were managed with a little more precision and possibly some landscaping the project would be approvable.

Commissioner Cleaver had no problem with the project as presented but questioned whether the rest of the Commission found the gable ends appropriate.

Commissioner Ptaszynski found the design scheme acceptable and found it refreshing to see such a modest addition.

Commission Chair Marquand supported the previous comments and found the proposed addition acceptable.

Commissioner Hertel moved to recommend approval of the change of conditions because of the modesty of the addition and its low impact due the surrounding environment. He recommended that the windows on the east elevation be clarified as to sill and height to insure the privacy of the eastern neighbor. Commissioner Hertel recommended a 5-foot sill height over a 4-foot sill height but felt the window sizes proposed were within the ballpark. Commissioner Hertel was more concerned with the roof tie-ins and questioned how it would fit in. He recommended further study of the issue by the applicant. Commissioner Hertel commented that the addition's rendering in virtually the same building materials and colors, and the same fenestration patterns showed that the project was compatible with the existing house and the neighborhood.

Commissioner Cleaver seconded the motion, which carried by unanimous consent. (4-0-0)

B. ~~**DR25-08 TIM WARD OF WARD-YOUNG ARCHITECTURE (APPLICANT), ANDREW & CHRISTY NESS (OWNERS), R-10 ZONING**: Request for: (1) Design Review approval pursuant to Section 6-1903 and 6-275(b) of the Lafayette Municipal Code ("LMC") and (2) Grading Permit pursuant to Section 3-701 LMC to construct 3,240 sq. ft. two-story additions with basement with a building height of 32'-6" to an existing 3,097 sq. ft. two-story single-family residence, requiring grading of ~259 1,860 cubic yards (930 CY cut and fill), located at 686 Glenside Drive, APN 238-110-001. **Recommendation:** Consider the matter, take public testimony, continue the matter to a date certain to allow the applicant to~

Meeting Minutes • PC 2009-01-22

City of Lafayette
Planning Commission Meeting
MINUTES

Thursday, January 22, 2009, 7:00 pm
Lafayette Community Center, 500 St. Mary's Road, Manzanita Room

CALL TO ORDER

Chair Lovitt called the meeting to order, stating all commissioners, but Commissioner Humann were present. He then welcomed Commissioner Karen Maggio back.

ROLL CALL
Present: Chair Lovitt, Commissioners Ateljevich, Chastain, Curtin-Tinley, Maggio & Mitchell
Absent: Commissioner Humann
Staff Present: Greg Wolff, Senior Planner, Glenda Warmoth, Assistant Planner, Niroop Srivatsa, Planning Services Manager, Diana Elrod, Housing Consultant

ADOPTION OF AGENDA

Chair Lovitt asked for a motion to adopt the agenda, which was given by Commissioner Curtin-Tinley. A second was given by Commissioner Maggio, which was carried by unanimous consent. (6-0-0)

PUBLIC COMMENTS

None.

CONSENT CALENDAR

Chair Lovitt asked if anyone would like to pull any items from the consent calendar. 5A was suggested by Commissioner Chastain. 5B was then pulled by Chair Lovitt. Chair Lovitt asked for a motion to adopt the consent calendar as amended and that was given by Commissioner Curtin-Tinley. Commissioner Chastain seconded the motion, which was carried by unanimous consent. (6-0-0)

A. MINUTES FROM THE NOVEMBER 20, 2008 MEETING

~~Commission Mitchell noted that with regard to 5A all commissioners said "Aye" to the motion, but he would prefer the vote to show as 5-1-1 in case the Minutes were pulled by someone who does not have a listing of who was in attendance. He explained that if the Minutes are pulled and the person looking at them does not have the coversheet reflecting those present, the vote tally would show exactly what happened.~~

~~Greg Wolff asked for Chair Mitchell to offer a page and line so that all could follow along.~~

~~Commissioner Mitchell directed all to Page 14 of 31, Line 6, reading, "Vice Chair Lovitt seconded the motion." Line 8, "All votes were aye. There were no nays. Chair Mitchell said that the motion carries."~~

~~Chair Lovitt confirmed that it is a matter of the vote total and Commissioner Mitchell agreed.~~

~~Commissioner Mitchell stated that he is fine with anonymity of the vote, but that there is difference between a 4-0 vote and a 7-0 vote.~~

~~Mr. Wolff agreed and said that a change will be made to go back the system that has been used consistently. He said that it is the method of operation to reproduce the first sheet showing attendance and then the excerpt of the Minutes applicable to any given item. He added that if there is a roll call vote that will be reflected.~~

~~Chair Lovitt directed all to Page 9 of the Minutes, Line 28 for a change. He read, "Vice Chair Lovitt asked if this was their unspecified referent." He said that the unspecified referent should be the Design Review Commission.~~

~~Commissioner Mitchell stated that he thought landslides should be marked as potentially significant.~~

~~Chair Lovitt added that with mitigation the engineer stated he could solve the landslide problem. He then directed all to 6B, "erosion or loss of topsoil" and indicated that with mitigation would be appropriate here, as well as on C and D. Then moving on through all of 7, those were all confirmed as "no."~~

~~As the Commission began to look at 7H, Ms. Warmoth cautioned the commission on moving it to mitigation as without the C3 plan she would have no specific mitigation to point to. She would not have that until Step B. 7H was not changed.~~

~~Continuing on to 8, Chair Lovitt confirmed that 8B would be no impact, but 8C and E would be "with mitigation." 8G and H were moved to "no." 9 was left as is. 10 was changed to "no" entirely. 11C, D and E were changed to "no impact." 12B and C were changed to "no." 13 and 14 remained as is. 15C was changed to "no." 16A was changed to "no."~~

~~Commissioner Mitchell asked if staff had comments on 16C.~~

~~Ms. Warmoth stated that with regard to the C3 requirements she does not have the report of Tony Coe's specifics on the plan and the components.~~

~~Chair Lovitt confirmed that 16C, D, E, F would remain as is. 16G was changed to "no." 17A, B and C were left as is.~~

~~Ms. Warmoth said that with the changes made, the mitigation monitoring report and amended checklist would have to be brought back to the Commission so the changes can be seen. However, she would like a motion to stand on approving the project since it is at the end of its PSA.~~

~~Commissioner Maggio said that she would like to adopt a motion with the intent to adopt the MND based on the recommendations that were made.~~

~~Ms. Warmoth said that she understood that the resolution was approved on the project, covering the PSA, that are several days to finish CEQA action. She added that if it would be preferred to hold off on approval, then the applicant would have to withdraw and resubmit to provide additional time for all to be acted on together.~~

~~Commissioner Maggio stated that she thought it would be more helpful if a motion carried certifying the MND based on changes to be made. Then the revisions would be looked at on the consent calendar. She then made the motion.~~

~~Commissioner Mitchell seconded the motion and it was then carried by unanimous consent. (6-0-0)~~

NEW BUSINESS

MS511-89CC &DR32-08 DAVID CLAYDON (APPLICANT), DAVID & ANN INGLIS (OWNERS), R-10 ZONING: Request for: (1) design review pursuant to Section 6-1903 of the Lafayette Municipal Code to construct a 576 sq.ft. second-story addition over the existing garage with a maximum ridge height of 24'-0" increasing the total square footage to 3,684 sq.ft. thereby requiring (2) a change to Condition of Approval #33 for the minor subdivision that created the lot (file number MS511-89) that restricts the total floor area of all structures on the lot to 3,115 sq.ft. located at 3538 O'Conner Drive, APN 241-200-046.

Chair Lovitt asked for a staff report.

Ms. Warmoth said that the matter is for a change of conditions to a subdivision condition of approval that was enacted with minor subdivision 511-89CC and a design review application. The Design Review Commission has reviewed the architectural plans and recommended approval to the Planning Commission as well as detail on the windowsill height to be given on the drawings. The application has added that information.

Referring to the context map, Ms. Warmoth noted that the property is located at 3538 O'Connor Drive, which is a flag lot. The home sits at the end of the pole on the flag lot. The applicant would like to add a room addition above the garage. Staff recommends approval and has included a resolution and conclusions of approval in the staff report. A public comment letter was submitted to the Planning Commission on that day and the authors of the letter, the Crawfords, would be speaking with their concerns to the addition. Their comments were not heard by the Design Review Commission as the letter was just received.

Ms. Warmoth continued, stating that the room addition would add 575 square feet to the residence, with a maximum height of 24 feet. This height triggers design review as it exceeds 17 feet in height, but is below the maximum height allowed. The addition does not require variance and does comply with the setback standards. The condition of approval is a limitation on the total floor area proposed on this lot to be no greater than 3,115 square feet, which is subdivision condition 33. The original conditions were attached to the project plans. Pictures were provided by the homeowner. She added that it is a small, landlocked property lot. Staff is recommending approval as the architectural design is consistent with the guidelines. The Design Review Commission recommends approval as well. Staff would like the resolution adopted as attached.

Chair Lovitt asked for questions of the staff.

Commissioner Chastain referred to the bottom of Page 3 and read, "Unfortunately the roof element is not continued along the eastern façade." He then asked for more information on this.

Ms. Warmoth said that when looking at the front elevation for the addition a shed roof existing over the garage now breaks up the two story massing visually. She said that if some visual separation between the first and second floor were included along the side that would be helpful. The Design Review Commission did not support this when it was brought before them.

Commissioner Mitchell asked if the north elevation was what was being referred to on A3.

Ms. Warmoth confirmed that she was referring to the north arrow that was on the site plan.

Commissioner Curtin-Tinley asked if the original subdivision that was approved in 1990 was for both this lot and 3540, which is adjacent to O'Conner Drive.

Ms. Warmoth stated that it was only for the front lot and back lot. She added that the lot that is fronting on O'Conner now is referred to in the conditions and approvals as lot A and lot B, but that the conditions are for the subdivision.

Commissioner Mitchell said that there is a currently existing non-conformity with regard to vehicular parking. He then asked if there were comments on this.

Ms. Warmoth said that the Planning Department's policy is that as long as the project is not worsening the non-conformity they do not retroactively require a property to come to compliance, although it is encouraged. With the constraints on this lot, she did not see a way get a 2-car garage into the interior of the home without reducing the floor area of the home. The addition above the garage does not worsen the condition.

Chair Lovitt asked Ms. Warmoth what the original purpose behind the limitation on floor area was.

Ms. Warmoth said that she did not know and was not able to find the Minutes in the records to explain this.

Chair Lovitt asked if the current floor area exactly matched the restrictions.

Ms. Warmoth said that the current floor area is 3,108 feet. The maximum restriction was 3,115 feet. The new addition would bring it over the feet restriction. She believes that they built to the maximum envelope at that time. She asked the commission to note that on the last page of the staff report she provided a explanation of the condition of approval as it is written. A second story possibility is foreseen there and limits the second story square footage to no more than 50% of the first floor area.

Commissioner Maggio asked if the neighboring residences, 3536 and 3540, were two-story properties.

Ms. Warmoth said she did not believe so.

Commissioner Mitchell referred to the letter from the Crawfords which states that there are 6 occupants in the property. He asked if Ms. Warmoth had noted any of this.

Ms. Warmoth stated that when she did her site visit there were new windows being installed and so she did not see many cars or occupants at that time.

Chair Lovitt asked to hear from the applicant.

Mr. Claydon introduced himself and then directed attention to the homeowner to address some issues.

Mr. Inglis introduced himself and gave his current address. He stated that they would like the extension to add a bedroom. They have four children and the two oldest are currently sharing one bedroom. He added that they do not have a guest room, which causes three children to share a room when a guest visits. Additionally, last year his mother-in-law became disabled and they would like her to be able to come and stay for longer periods without taking a bedroom from another child for that time.

Mr. Claydon stated that in order to accommodate the extra space a room has been placed over the existing garage to make it compatible with the Design Review. The whole of the garage area has not been taken in order to soften the appearance and respect privacy of neighbors. The addition has been pulled back from the side and front with a shed roof. Three small windows on the east side that face the neighbor are high level. 575 square feet are being added in the context of the adjacent multifamily and commercial zone which goes along the northern boundary of the site. Large apartment buildings and a block of garages form barriers to the site. He then asked for any questions.

Chair Lovitt asked for questions.

Commissioner Curtin-Tinley asked if there was consideration to placing the second story on any other portion of the home.

Mr. Claydon said that was not feasible as the existing home has a floor level of three feet high with vaulted ceilings. So, over the garage was the most logical place for an addition.

Commissioner Mitchell said that the Crawford letter requests that the home remain a single story with the addition on the ground level. He asked if that option was looked at.

Mr. Claydon stated it was not an option because there are set backs and very little yard. Adding on the ground would take up the only space that the children have to play in.

Chair Lovitt asked for confirmation that it was one bedroom and what the square footage would be.

Mr. Claydon confirmed it was one master bedroom at 575 square feet.

Chair Lovitt said there was one speaker slip from Colin and Nancy Crawford. He invited them to speak.

Ms. Crawford introduced herself and Mr. Crawford, stating that they are the neighbors on the easterly side at 3536 O'Connor Drive. Her property is on a down slope, so the proposed addition of up to 24 foot in height will look directly down into the bedrooms of her home no matter where the windows are located. She continued, stating that when the subdivision was approved it was very firm that it was to be no more than 3,115 per Condition 33. Additionally, it stated in the landscaping design that it was shielded by a group of ash and oak trees, and that is not the case. She said that she provided pictures showing this. Finally she noted that the landscaping design report states that there are many pets along with the six current occupants. There are soon to be seven occupants for six months of the year and there is a lot of traffic in the small lot, which is cutting into her quiet enjoyment of the property.

Ms. Crawford said that the east view is the only open area on her property. She has floor to ceiling windows on her east side. Her west view fronts 901 and 911 Moraga road so there are few windows there. On her south side the boundary is a concrete wall. On the north side there has been an addition to the garage at 3540 and it is a two story as well. She is not sure if this addition was legal or not. If there is an addition as proposed her property will be landlocked and no light will come into the property. There will also be a lack of privacy.

Ms. Crawford stated that their property is U-shaped, so there is room on the ground to add an addition and still be within offset guidelines.

Mr. Crawford said that he is concerned about the future of Lafayette as the home requesting an addition was at one time a pre-fabricated home and that in turn some of the others could do this as well and his home would be totally penned in. He said that he did not think that this is a precedent that the City wants to establish.

Chair Lovitt asked if there were any questions.

Commissioner Ateljevich asked if there was a limitation on the size of their house in the subdivision that created their lot.

Ms. Crawford stated that she was not aware, but that she thought the limit was 3,115 and that she is below that.

Commissioner Ateljevich asked what year the lot was split.

Ms. Crawford answered that it was 1987.

Mr. Crawford asked the commission to note that the property in question is on the edge of the lot, so they look directly down into his property.

Commissioner Chastain confirmed on the property map the location of the property and the neighbor's property. He then asked for confirmation of the placement of the windows that would overlook the other property. He noted that the top of the sill of the window is at 5", meaning that the top of window is at eye level so in order to look down into the property he would get up on something to look down. So, in this case it looks at though the window is acting more as a window up above than a window that is looked out of.

Ms. Crawford confirmed that was correct and added that the window placement is not the biggest problem that they have.

Commissioner Chastain said that a discussion is occurring between the commissioners as to the location of the actual building. He referred to a line and asked for more information as to what it is.

Mr. Claydon stated that the line is the north end of the building, looking at the side.

Commissioner Chastain stated that he understood and that it was the front edge of the roof line. He said that when he looked at it, it seemed set back about three feet from the edge of the garage roof.

Ms. Crawford added that the pictures provided were taken from their deck.

Chair Lovitt asked if there were additional questions for the speakers. There were none. He then asked for additional speakers. None came forward. A 5-minute rebuttal or additional comment time was then given.

Mr. Claydon said that the main windows are on the north and south of the building so that do not take privacy from the neighbor. The height of the sill was discussed at the Design Review panel to maintain this privacy for the neighborhood. He added that the tree screen along the edge is about 15 to 20 feet and in the summer is very dense. Photographs from earlier in the year were attached to the report and show this density. The windows in question will be in the walk-in closet and in the bathroom area. The main windows for the room will look to the south. The design was created with the neighbor's privacy in mind.

Commissioner Chastain noted that there was a comment in the documents about artificial turf. He asked for comments on that.

Mr. Claydon said that the site was visited when the turf was about to be put in. There were some concerns about the drainage. There is a sub base of drainage under the turf which was done in accordance with the recommendations for that application.

Ms. Warmoth said that in looking at the floor plan for the master bedroom she did not see a bathroom. She asked Mr. Claydon if it was on the drawings.

Mr. Claydon stated it was not, as that area had not been finally planned out, but that the area was designated for the closet and bathroom.

Commissioner Maggio asked what will be placed right below the windows in the bathroom.

Mr. Claydon said that it will probably a vanity unit with a mirror and then the window would be above.

Commissioner Mitchell asked if the occupant of this room was someone with limited mobility.

Mr. Inglis said that he would like his mother-in-law to come and live with them for a month or two at a time. He and his wife would live above the garage at that time and the guest would stay in the ground floor bedroom.

Chair Lovitt asked for a motion to close the public portion for the item. Commissioner Mitchell moved. A second was given by Commissioner Curtin-Tinley and the motion was carried with a unanimous consent. (6-0-0)

Chair Lovitt said that the commission is tasked with approving the application. He asked if someone would like to begin the discussion.

Commissioner Curtin-Tinley said that her biggest concern is that the conditions of approval are firm and it is difficult for her to deviate from them. The conditions state that the total floor area of all structures on Parcel B should not exceed 3,115 feet. She added that the conditions were put in place specifically and for a reason.

Commissioner Mitchell asked staff if there are conditions that need to be found in order to modify prior conditions of approval.

Ms. Warmoth said that they would be making the same findings for the subdivision, which are listed in the resolution.

Commissioner Curtin-Tinley asked staff if the owners of the property aware of the conditions on their lot before they proposed a remodel.

Ms. Warmoth said that the application that is before the commissioners is requesting a change of condition, so they were aware of limitations.

Commissioner Curtin-Tinley further asked if they were aware when they purchased the property.

Ms. Warmoth said she could not speak to that.

Commissioner Chastain said that as there are conditions in place they were done with thought at the time. He added that also things can change, and adding some square footage could make the house more habitable, but he is not sure that this is the case in this situation. He added that he would have liked Design Review to have worked more with the privacy issues. He is not sure of the impact privacy-wise, but notes that there will be some.

Commissioner Ateljevich stated that she was present during the time of the conditions and that she believed that the conditions were set based on the size of the next door houses and neighborhood patterns of development. She added that the lot does not seem to allow for addition on the ground as it would take up all of yard and that the addition location seemed to be in the most logical place.

Commissioner Maggio said that she was not opposed to two-story structures when they are well sited and attention is paid to the neighborhood as to how it fits with views and light. She said that in years past in these kinds of situations windows were moved and a lot of time was spent in design and review on what that does to light and views. She is concerned that this was not addressed as well as it should have been. She is not concerned about two-story structures in the City, but she is concerned about neighbor and neighborhood impact. She added that at the time of the conditions it probably should have been built as a two-story house with the parking built to code as there is no leeway with parking.

Commissioner Ateljevich added that in the positive the addition only comes two feet above the existing roof line so that does not impose, but it brings the house closer to the neighbors.

Commissioner Mitchell said that he drove to the Crawford's home and that it is not small in size. He said that he thinks there would need to be a compelling reason to change the conditions of approval and he does not see a real compelling reason that is consistent with his ideas of visibility and privacy.

Chair Lovitt said that he reads the conditions as having a serious limitation. He said that they are highly protective in nature and that he has concerns about making a change. The addition is moderate in his opinion and stays within the footprint that exists, but it is a lot more vertical than what exists. When he was at the site it struck him that there would be an issue. He said he would have a problem granting a change of conditions as they done for protective reasons of the neighbors. He said that there should be another way it can be done where the impacts would be so minimal that he might be able to approve. As it is now, he cannot.

Commissioner Maggio asked Mr. Inglis how long he has been living at the home.

Mr. Inglis answered for ten years and confirmed that it was built already when he moved in.

Commissioner Curtin-Tinley said that sometimes in the past in design and review rather than having a vanity where you are facing windows, a bathtub is placed there so the windows are not looked out of.

Chair Lovitt said he is concerned about imposing on the neighbors and the looming nature so close to the property line.

Commissioner Chastain asked Chair Lovitt to confirm that if the addition moved away from the property line then he would feel that the impact would be less and he would be more likely to grant a change in the conditions.

Chair Lovitt said this is correct. For him it is a matter of impacts.

Commissioner Chastain asked if this could be returned to Design Review.

Ms. Warmoth said that if the Planning Commission feels that there are design elements to be resolved, then it would need to go back with clarity.

Commissioner Chastain said that he would be comfortable with that option in that the more the addition is moved away from the property line, the less concerned he is. He is not concerned about the windows, and adds that skylights could also be considered. His concern is the canyon-like quality of these lots when walls loom up. He is not sure that it is reasonable, but he would like to send it back to Design Review with these comments.

Commissioner Mitchell said that he agreed. In looking at the floor plan he noted that the structure is 13'8" wide. He does not think you can place a bathroom on the east side, but rather the south or north end. He would like some more detail there. He continued, saying that the addition size is pretty big for the context of the neighborhood. He would like to see the project go back to DRC.

Chair Lovitt said that if it could conform more with the existing roofline to avoid the looming issue, he would be happier with it. He also agreed with the size and believes there could be some give there.

Commissioner Mitchell clarified his comment and said that he does not think it could be made narrower east to west, but it could be north to south and lesser amount of space would be obstructing the sunlight on that one side.

Chair Lovitt said he agreed, but did not think that would solve the problem. Chair Lovitt asked for a motion to send the project back to Design Review with specifics.

Commissioner Ateljevich said she would like it to go back, but she would like the problem described rather than trying to provide solutions. She said that the problem appears to be that the position of the bedroom looms over the neighbors and is too close to the property line.

Commissioner Chastain said that for the benefit of the applicant and the neighbor he wants to make it clear that the flag lots are the hardest to deal with, which is just the nature of what they are. He added that in terms of the design he does not think all problems can be solved. He feels that the biggest problem on the lots is moving the building from the property lines so more light can come into the yards. For him the position of the addition, and not the height, is the issue. He feels that if the addition is moved, and possibly off of the garage, that the height of roof overall will be raised because the impact changes.

Ms. Warmoth stated that she would like the motion to include that it be continued to March 19 on the Planning Commission's calendar so there is time for it to go back to the Design Review Commission and then come back without having to re-do the public notice.

Commissioner Chastain moved on this. It was seconded by Commissioner Curtin-Tinley and was carried by unanimous consent. (6-0-0)

Chair Lovitt then asked for a break, which was taken.

The commission then reconvened and moved onto other business.

OTHER BUSINESS

A. ~~DRAFT HOUSING ELEMENTS: REVIEW OF KEY COMPONENTS~~

~~Chair Lovitt asked for a staff report.~~

~~Ms. Srivatsa stated there was a review of two key components of the draft housing element in front of the Commission. It is an informal study session, not a public hearing, and the element would be brought back in draft form in February. She said that today she wanted to share the draft goals and policies that are the framework for the housing element as well as a list of vacant and underutilized sites.~~

~~Ms. Srivatsa continued, stating that the draft goals and policies are similar to what is in the housing element today, with some exceptions. She said she will go through the exceptions and then spend a few minutes highlighting some of the sites. Identification of the sites is required by State law, but there is no requirement that the sites be designated for housing and housing only. Sites have to be zoned at appropriate densities to allow for the construction of affordable housing. Ms. Srivasta introduced Diana Elrod, the housing consultant, and turned it over to her.~~

~~Ms. Elrod said that only the draft goals, policy and programs were handed out, as well as the draft inventory. After feedback is obtained from the Commission they will go back and put together the entire element for review. According to the time line, the State has to receive the housing element as an administrative draft in March and then there is a 60 day review period. She is trying to have a completed element for their review in March. Then it will come back to the Commission in May or June for additional hearing and adoption.~~

~~Ms. Elrod referred all to Page 3 where there is an explanation of the changes to the proposed goals, policies and programs. There are three key policies that are new. First is removal of the land use permit requirement for multi-family housing, which responds to State law that requires jurisdictions to provide multi-family housing as of right and in appropriate zones, which is part of the adequate sites requirement.~~

Meeting Minutes • DRC 2009-02-24

CITY OF LAFAYETTE
DESIGN REVIEW COMMISSION
Minutes

LAFAYETTE COMMUNITY CENTER
500 St. Mary's Road
Lafayette, CA

February 24, 2009
7:00 p.m.

1. The meeting was called to order at 7:00 p.m. by Commission Chair Tom Lee.

2. Commissioners present: Commission Chair Lee, Commissioners, Bob Cleaver and Andre Ptaszynski; and Planning Commission Liaison Patricia Curtin-Tinley. Commissioner Bill Marquand joined the meeting at 8:10 p.m.

Excused: Commissioner Ken Hertel

Staff: Greg Wolff, Senior Planner; Lindy Coburn, Associate Planner; Glenda Warmoth, Assistant Planner; Michael Cass, Assistant Planner; and David Golick, Contract Planner.

3. **ADOPTION OF AGENDA:** Commission Chair Lee advised that he would be recusing from Consent Calendar item 7C and requested it be pulled and acted upon when another member of the Commission was present to comprise a quorum. Commissioner Ptaszynski moved to approve the agenda as published and pull item 7C from the Consent Calendar. Commissioner Cleaver seconded the motion, which carried by unanimous consent. (3-0-0)

4. **PUBLIC COMMENT:** None

5. **STUDY SESSIONS:** None

6. **SIGNS:** None

7. **CONSENT CALENDAR:** Commissioner Cleaver moved to approve Consent Calendar items 7A, 7B and 7D. Commissioner Ptaszynski seconded the motion, which carried by unanimous consent. (3-0-0) Commissioner Cleaver moved to table Consent Calendar 7C until another member of the Design Review Commission arrived so that the matter could be acted upon with Commission Chair Lee recused. Commissioner Ptaszynski seconded the motion, which carried by unanimous consent. (3-0-0)

~~A. **JANUARY 27, 2009 MEETING MINUTES Recommendation:** Approve~~

~~B. **S02-09 & V01-09 CITY OF LAFAYETTE (APPLICANT & OWNER), R-10 ZONING:** Request for: (1) Sign Permit pursuant to Section 6-2523(c) of the Lafayette Municipal Code ("LMC") to construct a 45-sq. ft. (22.5 sq. ft. per face) single-sided aluminum and wooden freestanding sign with two faces in a "V" shape with a maximum height of 5'-6" and (2) Variance pursuant to Section 6-2527 LMC from (a) Section 6-2554(a) LMC to exceed the limit of one freestanding sign per street frontage and (b) Section 6-2565(b) LMC to exceed the aggregate area of 80 sq. ft. for all signage on a residentially-zoned parcel, located at 500 Saint Mary's Road. APN 237-260-035. **Recommendation:** Continue the matter without consideration to March 24, 2009 to allow the applicant to revise the application in response to the Commission's comments and review by the Parks, Trails & Recreation Commission. **Project Planner:** Michael P. Cass, Assistant Planner; Jennifer Russell, Parks, Trails & Recreation Director~~

~~C. **HDP47-08 WARD-YOUNG ARCHITECTURE & PLANNING (APPLICANT), BILL LAU & JON BOBST (OWNERS), LR-5 ZONING:** Request for: (1) Phase II Hillside Development Permit pursuant to Section 2065(a) of the Lafayette Municipal Code ("LMC"), (2) Design Review pursuant to Section 6-1903 LMC, (3) Grading Permit pursuant to Section 3-701 LMC, to construct a new single family residence and one accessory building with a gross floor area of ~3,900 sq. ft. requiring ~1,200 cubic yards of grading (900CY cut / 305CY fill), on an unaddressed vacant parcel within the Hillside Overlay District, located on Hunsaker Canyon Road. APN 237-230-024.~~

~~**Recommendation:** Continue the matter, without discussion, to the March 10, 2009 meeting.~~
~~**Project Planner:** Greg Wolff~~

~~Commissioner Cleaver moved to approve HDP47-08. Commissioner Marquand seconded the motion, which carried by unanimous consent. (3-0-0)~~

~~D. **HDP21-08 KENT GORDON (APPLICANT & OWNER) R-10 ZONING:** Request for (1) Hillside Development Permit pursuant to Section 6-2015 of the Lafayette Municipal Code ("LMC") and (2) Design Review Approval pursuant to Section 6-1903 LMC to demolish an existing 2,148 sq. ft. one-story single-family residence and construct a 3,845 sq. ft. two-story residence with a maximum ridge height of 25' 6" located within the Hillside Overlay District at 7 Mountain View Pl. APN 241-100-034. **Recommendation:** Adopt resolution 2009-02 approving the project subject to conditions. **Project Planner:** Glenda Warmoth~~

8. **CONTINUED PUBLIC HEARINGS**

A. **MS511-89CC & DR32-08 DAVID CLAYDON (APPLICANT), DAVID & ANN INGLIS (OWNERS), R-10 ZONING**: Request for: (1) design review pursuant to Section 6-1903 of the Lafayette Municipal Code to construct a 576 sq.ft. second-story addition over the existing garage with a maximum ridge height of 24'-0" increasing the total square footage to 3,684 sq.ft. thereby requiring (2) a change to Condition of Approval #33 for the minor subdivision that created the lot (file number MS511-89) that restricts the total floor area of all structures on the lot to 3,115 sq.ft. located at 3538 O'Conner Drive. APN 241-200-046.
Recommendation: Consider the matter, take public testimony, and recommend approval to the Planning Commission.
Project Planner: Glenda Warmoth

Ms. Warmoth reported that the Design Review Commission last reviewed the application in late 2008. At that meeting, the Commission recommended approval to the Planning Commission. The Planning Commission considered the application and, based on public comment and information presented at the Planning Commission meeting, felt that privacy issues should be reconsidered by the Design Review Commission.

Ms. Warmoth stated that the application requested design review approval and a change of conditions to a subdivision condition of approval. The project proposed a second-story addition above an existing garage. The proposed addition conformed to the zoning development standards and the setbacks and did not exceed the maximum height of the zoning district. The change of conditions of the subdivision resulted from a condition that limited the maximum gross floor area of the residence. While the newly proposed square footage was just over 500-sq.ft. in size, it exceeded the maximum established in the subdivision of 3,115-sq.ft. As a result, a change of conditions was required.

Staff felt that while the second story addition was forced to one side because it was over the garage, given the constraints of the lot, it was a reasonable location for the addition. Other positive features of the proposal included:

- the location of existing vegetation along the property line to the adjacent neighbor
- the addition exceeded the 10-ft. side yard setback and has been stepped back additionally
- the design incorporated small windows that provide light without views to the neighbors property

Staff found the privacy of the adjacent neighbor would not be unduly impacted by the proposed addition.

Ms. Warmoth referred the Design Review Commission to meeting minutes from the Planning Commission meeting, copies of public comment received, and the original subdivision Planning Commission meeting minutes from 1990.

Commissioner Cleaver asked why the Planning Commission had not taken action on the application. Ms. Warmoth stated that if the Planning Commission found that the application did not meet the findings required for approval it had the purview to deny the application or make modifications to the project as it deemed necessary. In this instance, the Planning Commission chose to refer the application back to the Design Review Commission to focus on the question of neighbor privacy. She commented that the

Planning Commission felt the Design Review Commission had not benefited from the neighbor's concerns and felt that the information submitted by the neighbor might bring to light new considerations.

Commission Chair Lee asked Ms. Warmoth to summarize the areas the Planning Commission requested be reconsidered. Ms. Warmoth understood there were two areas of concern:

- Privacy between the subject home and the neighbor's home had not been looked at in great enough detail because the neighbor's concerns had not been brought to the Design Review Commission's attention; and
- The Planning Commission was not sure if adding the proposed mass above the 3,115-sq.ft. threshold met the intent of the subdivision restriction, and whether, even if design review approval could be made, the proposal met the initial intent of the subdivision. Ms. Warmoth did not believe it was the Planning Commission's intention for the Design Review Commission to address this second issue, and had requested Planning staff to provide the Planning Commission with historical meeting minutes from the subdivision approval.

Planning Commission liaison Curtin-Tinley confirmed that Ms. Warmoth's summary, and added that the Planning Commission felt the Design Review Commission was more qualified to address the privacy issues in terms of the proposed design.

Commissioner Ptaszynski asked how the current drawings were different from plans previously presented. Ms. Warmoth stated that the main difference was in floor plan, where previously the master bedroom had been shown as merely a shell without a defined interior layout. The other difference was a clarification, per the Design Review Commission's request, of the window sill height along the shared property line elevation. Ms. Warmoth advised that the applicant had responded to the public comment in a letter dated February 6, 2009, explaining their design direction and reasons therefore.

David Claydon, project architect, stated that in response to public comment received changes had been made in the proposed addition, which included:

- Lowered the roof pitch to reduce the mass toward the neighbor.
- Hipped one end of the roof to reduce the mass.

Addressing the privacy issue, Mr. Claydon referred the Commission to an expanded aerial photograph of the subject and neighboring properties. He noted that the photograph showed a good deal of existing vegetation between the properties. He also presented a diagram showing the floor elevations of the two homes, noting that the neighboring home's first elevation was 5-feet above the subject home's floor elevation. The diagram also provided view lines showing that the visual impact of the increased height would be minimal. Mr. Claydon stated that the applicant would like to keep the small windows in the proposed master bedroom with the 5-foot sill height. He noted that the windows, as proposed, would provide for light but not views of the neighboring house. However, Mr. Claydon advised the applicant was willing to eliminate the windows and use skylights instead if that were a preferable option to the Design Review Commission.

Commissioner Ptaszynski asked about the change in roof pitch. Mr. Claydon said the pitch was lowered from 5:12 to 4:12.

Commission Chair Lee noted an 11-foot plate height in the garage. Acknowledging that the plate height was affected by the playroom behind where the floor level was 1-foot higher, as well as an existing stairway, he asked whether the stair could be reconfigured to lower the overall height. Mr. Claydon explained that reconfiguring the stair would cause a loss of valuable floor area on the second floor, which was very modest due to the addition being setback from the lower elevation on the side and front.

The hearing was opened to public comment.

Nancy Crawford, an adjacent neighbor on O'Conner Drive, stated that some of the issues raised at the Planning Commission meeting related to: (1) the conditions of approval included in the 1990 subdivision application that the total square footage of both the subject home and her house would not exceed 3,115-sq.ft.; and (2) increased traffic and noise related to the addition. Ms. Crawford questioned the propriety of a change in the subdivision conditions. She noted that her property was a flag lot. Referring to her

photographic exhibit, she stated that the house in front of hers has added a garage addition (the legality of which was being researched), and that behind her house was a 12-foot cement wall. If the proposed 17-foot addition was allowed it would create a cavernous effect and her property would be landlocked. Ms. Crawford noted the existing tree, being deciduous, offered little privacy in the winter. She pointed out that further privacy impact would be caused by the installation of artificial turf against the recommendations of the City Landscape Consultant, who reported it would have a detrimental affect on the trees. Ms. Crawford advised that per condition #6 of the subdivision approval there was a drainage impact study done which recommended the driveway be narrowed to 12 feet and required a curb. She referred to photographs showing that the curb has since been removed, causing drainage problems that resulted in her installation of a French drain to resolve. Ms. Crawford requested the Design Review Commission reconsider their prior approval, stating that she might be more amenable to the proposal if it were located more toward the middle of the subject home or if it were smaller.

Commission Chair Lee asked if Ms. Crawford had any discussion with the applicant regarding the proposal. Ms. Crawford said discussion regarding the design was attempted but unsuccessful; however, she has had numerous discussions with the applicant regarding overgrown vegetation, vermin, noise and traffic to little avail.

Mr. Claydon responded with regard the issue of the addition design and privacy concerns. He stated that they have made changes in the design to soften its appearance and address privacy concerns. Mr. Claydon reiterated their willingness to remove the windows and replace them with skylights in further mitigation. He felt the proposal has met the City's requirements in terms of space, light and air.

Commission Chair Lee closed the public hearing and called for Commission comment and referral to the Planning Commission.

Commissioner Cleaver sensed a conflict between the applicant and neighbor in terms of the shared property line, and that some current improvements were being questioned by the neighbor. He focused his comments on the current proposal. Commissioner Cleaver felt the applicant has submitted a typical solution prescribed by the Design Review Commission in similar situations, where the sill of the window was set at 5-feet. He noted that he, at slightly over 6-feet, would need to stand on a chair to view down onto the neighbor's property from such windows. Given that the second-story space would be a master bedroom and bath, Commissioner Cleaver had difficulty seeing that the neighbor's privacy would be unduly impacted. He noted that the Planning Commission raised the concern of bulk and mass, and he thought that might be the bigger issue for the Design Review Commission to address. With regard to existing planting, he noted an evergreen shrub along the property line and that, although the Ash was deciduous, during warmer months when people tended to be outside more, the tree would be in full leaf. Commissioner Cleaver commented that the Ash tree, being on the western side, posed more of a shadow on the neighboring property than the addition would create. Although Commissioner Cleaver was willing to discuss the matter, he felt the Design Review Commission's original decision on the project was correct.

Commissioner Ptaszynski agreed with Commissioner Cleaver that it was difficult to see a problem with privacy because of the proposed sill height of the master bedroom windows. He commented that the mass of the addition seemed minimal in terms of being a looming factor over the neighbor's backyard. He noted that the addition presented a minimal profile to the neighbor's backyard. Commissioner Ptaszynski was not sure whether the addition's floor height needed to be as high as shown and questioned whether it could be brought down by one foot. He recalled that the previously presented design had a steeper roof pitch, and commented that the slight change in pitch, while only slightly changing the apparent mass, had resulted in a loss of design grace. Commissioner Ptaszynski thought that if the floor and plate height could be reduced, and the roof pitch increased to its previous height, the design could achieve a more aesthetic look without unduly impacting the neighbor.

Commission Chair Lee agreed that changing the roof pitch back to 5:12 would hardly affect the neighbor's view shed. However, Commission Chair Lee felt the neighbor had raised a valid point. He commented that Ms. Crawford brought up an expectation of the intensity of development in the neighborhood and that the neighborhood had a set of rules to live by under the subdivision conditions of approval, which set the tone for the neighborhood. Commission Chair Lee referred to the historical Planning Commission

minutes from the 1990 subdivision review, noting there were concerns about future scale of the neighborhood. To now state that it was easiest and less impacting to build on top of the garage, not only broke with the constraints of the subject lot but also broke with the design guidelines followed in tight neighborhoods where there were only two neighbors, to center the mass of an addition and build with complete respect to the neighbors. Commission Chair Lee commented in this instance the neighbor's flag lot was not only completed surrounded by neighbors on all sides but was now being made more difficult by an addition directly above their yard. He noted that the neighbor's house was sited to provide a yard with some light and the proposed project would now erect an added height on the west side. Commission Chair Lee did not believe it was the appropriate location for the addition, and agreed the grace of the design was lost because of the change in roofline. He was also greatly concerned about the lack of dialogue between the applicant and the neighbor, particularly in the neighborhood where that kind of cooperation was essential.

Commissioner Cleaver recalled at the previous design review meeting the applicant had cited a hardship situation where there were now additional residents in the home, and the Commission had seen the addition as an appropriate solution even though it increased the home slightly beyond the 3,115-sq.ft. maximum. He agreed that normally the Design Review Commission would look for the addition to be centered over the mass of the building. Commissioner Cleaver noted that the neighbor had raised the question whether it was appropriate to allow the home to go beyond the 3,115-sq.ft. maximum. Ms. Warmoth clarified that the applicant had requested a change of the subdivision conditions and that final action on that request would be made by the Planning Commission. The Design Review Commission's comments and recommendations would be a referral to the Planning Commission. Commissioner Cleaver suggested that the Design Review Commission focus their comments on design review and whether the proposed addition has been tastefully designed within the City's normal guidelines for second story additions.

Commissioner Ptaszynski commented that he found the proposal a reasonable addition to the house and appropriate under the circumstances.

Commissioner Cleaver stated that while the Commission has traditionally looked for second-story additions to be centered over the house, he did not feel the subject proposal was inappropriate.

Commission Chair Lee felt that in this situation where the implications of locating the addition were more critical, the proposal was not a reasonable solution. He also had a problem recommending a change of conditions that would allow a 20% increase in the size of the house over the objection of a neighbor. Commission Chair Lee stated that had it been designed well without neighbor objection, or even better with neighbor support, he would have been able to make a favorable recommendation to the Planning Commission. Under the existing circumstances, given the neighbor objections, Commission Chair Lee was not comfortable recommending a reversal of the conditions set in 1990.

Planning Commission liaison Curtin-Tinley advised that the Planning Commission had struggled with the request for the change of conditions, but noted that without the neighbor objection the Planning Commission would not have been as reluctant to that request. The Planning Commission had also been concerned with the location of the addition.

Commissioner Ptaszynski asked whether Commission Chair Lee felt the neighbor's privacy and light would be impinged upon unduly. Commission Chair Lee did, explaining that all of the other houses surrounding the neighbor, including the 12-foot high CMU wall behind the house were low volume. He felt that no matter how well done the proposed second story volume, to place it right next door to this neighbor was inappropriate. Commission Chair Lee further suggested that all of the modifications being made to make the addition fit (e.g., roof pitch, window sill height) made him question whether another design direction was needed.

Commissioner Ptaszynski commented there were two issues to be addressed; one was a planning issue not under the purview of the Design Review Commission; and the other relating to mass and privacy. As to mass and privacy, Commissioner Ptaszynski did not have a problem with the application as proposed.

Commission Chair Lee commented that the Planning Commission was looking to the Design Review Commission to determine whether or not a reasonably acceptable design review solution could be achieved if the applicants were to go ahead and enlarge the mass. He felt it was a reasonable request to the applicant to find a way to come to terms with the neighbor. Commission Chair Lee did not think it was an issue of recommending approval or denial at this meeting, and suggested that now that the neighbor's objection had come to light, the applicant needed to try and find a way to find a reasonable solution.

Commissioner Cleaver agreed, commenting that while he was not against a second story he had been persuaded by Commission Chair Lee's comments and given the neighbor's questioning of the project's impact, that the more traditional guidelines with regard to second story volumes be examined and other alternatives to the proposal considered.

Ms. Warmoth asked whether the Design Review Commission was comfortable giving the applicant direction and sending the application back to the Planning Commission or whether the Design Review Commission wished to see the plans again.

Commissioner Cleaver wondered whether it was an issue of directing the applicant to work out the matter with the neighbor. He did not see that any member of the Design Review Commission was against the possibility of a second story addition. Commission Chair Lee said he had not come to any such conclusion at this point. However, his position was that he could not send the application forward to the Planning Commission without seeing the proposed solution. He noted that what the Planning Commission was asking in referring the application back to design review was how does the design maintain the character of the neighborhood yet still allow it to grow by 20%. Commission Chair Lee needed to see the solution presented in a way that it would bear up under the Design Review Commission's kind of scrutiny before he could vote to send it forward to the Planning Commission.

Commissioner Cleaver recommended that the application come back to the Design Review Commission with, ideally, a review between the applicant and the neighbor. While the Design Review Commission did not preclude the idea of a second story addition, the Commission would like to see the neighbor dealt with more directly with regard to the bulk and mass.

Commission Chair Lee suggested that the applicant's dialogue not only occur with the objecting neighbor, but will all of the neighbors. He stated that the applicant's obligation was to talk to their neighbors and find out all of the conditions that the neighbors felt impacted their respective properties. Commission Chair Lee noted that while this type of dialogue was not required, in this special circumstance, it required more than the normal process. Ms. Warmoth stated that while further public notice of the next hearing could be made to the neighbors, she suggested the applicant deliver or mail a letter and proposed plans to the surrounding neighbors. She noted that public comment had been received from two of the adjacent neighbors, and that an invitation by the applicant to the other neighbors should provide sufficient notice and opportunity for the other neighbors to comment.

Commissioner Cleaver moved to continue MS511-89CC & DR32-08 to March 24, 2009 to allow the applicant an opportunity to coordinate with their neighbors and to reconsider their design to appropriately address the neighbor's concerns about bulk and mass.

Commissioner Ptaszynski seconded the motion, which carried by unanimous consent. (3-0-0)

Commissioner Marquand joined the meeting at 8:10 p.m. Commission Chair Lee recused himself briefly and Vice-Chair Ptaszynski took over the meeting. Vice-Chair Ptaszynski returned to agenda item 7C (see above).

Commission Chair Lee rejoined the meeting.

~~B. **DR35-08 & V20-08 BRAD AGLER (APPLICANT & OWNER), R-10 ZONING:** Request for: (1) Design Review approval pursuant to Section 6-1903 of the Lafayette Municipal Code ("LMC"), (2) Variance from Section 6-732 LMC, and (3) Category II Tree Removal Permit pursuant to Section 6-1707 LMC, to construct a new 3,092 sq. ft. two-story single-family residence with a maximum ridge height of 25' 6" and a new 490 sq. ft. detached garage with a maximum ridge height of 12' 0", where a portion of~~

Meeting Minutes • DRC 2009-03-24

CITY OF LAFAYETTE
DESIGN REVIEW COMMISSION
Minutes

LAFAYETTE COMMUNITY CENTER
500 St. Mary's Road
Lafayette, CA

March 24, 2009
7:00 p.m.

1. The meeting was called to order at 7:00 p.m. by Commission Chair Tom Lee.

2. Commissioners present: Commission Chair Lee, Commissioners Bob Cleaver and Andre Ptaszynski

Excused: Commissioners Ken Hertel and Bill Marquand

Staff: Glenda Warmoth, Assistant Planner; Michael Cass, Assistant Planner; and Jennifer Russell, Parks, Trails and Recreation Director

3. **ADOPTION OF AGENDA:** Commissioner Cleaver advised that he would be recusing from agenda item 8B, HDP26-07, and suggested reversing the order of items 8C and 8B. Commissioner Ptaszynski advised that he would be recusing from agenda item 5B, SS03-09. Commissioner Cleaver moved to adopt the agenda with the recommended change in order. Commissioner Ptaszynski seconded the motion, which carried by unanimous consent. (3-0-0)

4. **PUBLIC COMMENT:** None

~~5. **STUDY SESSIONS:**~~

~~A. **SS02-09 MERIDA DIAZ & SCOTT KONTNY (APPLICANTS & OWNERS) R-20 ZONING:** Request for an informational Study Session with the Design Review Commission to discuss plans for construction of a new ~6,333 sq.ft. single family residence on an undeveloped property located at 767 Silver Crest Court, APN 239-150-033.~~
~~**Recommendation:** This is an information only item. No action will be taken by the Commission.~~
~~**Project Planner:** Glenda Warmoth~~

~~Ms. Warmoth reported that the subject property, located at 767 Silver Crest Ct. was an existing vacant lot on which applicant proposed a new single family residence. She advised that the subdivision conditions of approval created an independent design review body for the structures proposed for the lots, and the applicants would be required to submit a letter of approval from the independent review body with their formal application before Design Review Commission final action could be taken. Ms. Warmoth stated that a formal application had been submitted in 2006; however, it was never publicly heard. The applicants were seeking Design Review Commission comment on a new design at this study session. The new design has not yet received approval from the independent architectural review body.~~

~~Commission Chair Lee asked if the maps showing the Planning Commission's recommended subdivision house sites was available for review. Ms. Warmoth said the information was not available for this study session. She advised that the Planning Commission's designation of desirable home sites for the subdivision did not carry a requirement of minimum building mass percentages within said sites. She advised that the proposed home's location was consistent with the circle location shown on the subdivision tentative map.~~

~~Commissioner Cleaver asked if any analysis of home sizes in the neighborhood was available. Ms. Warmoth said an analysis was not available for this study session but could be part of staff's review report when a formal application was submitted, if the Design Review Commission desired that information.~~

~~Bill Brobisky, project architect, was present at the meeting with applicants Merida Diaz and Scott Kontny. Mr. Brobisky reported that he was not prepared to address all of the issues raised in the public comment letters. He noted that the proposed home would not be the largest home in the area. Mr. Brobisky~~

- ~~Grading to south be minimized in terms of adding contours past the 670 contour shown on the plans. Any grading above that elevation be eliminated and existing grade maintained.~~
- ~~Appreciated Commission Chair Lee's concern about adding new mounding west of garage but does not want it to look like a grading project when completed.~~
- ~~Landscape planting on the south side of the building within 30 feet of the house was acceptable; however, beyond 30 feet of the house only oaks and hydro-seeding be used.~~
- ~~The driveway be adjusted to eliminate the retaining wall on the south side, with some of the excess fill used to adjust the grades to make the driveway work, that any retaining wall be offset 6 feet to 8 feet horizontally off the driveway edge on the north side of the driveway, except for area of the existing tree at the property corner. The driveway reshaping and added soil would go a long way to reducing the height of the retaining wall.~~
- ~~Colors and materials as submitted are acceptable, with the preferred stone being Cypress Ridge Orchard.~~

~~Commission Chair Lee offered an amendment to the motion regarding the roof color, which he felt should be darker and closer in tone to the Cypress Ridge Orchard or another neutral gray tone. Commissioner Cleaver accepted the revision to the motion, and added that the revised color submittal did not require further design review before the application was forwarded to the Planning Commission.~~

~~Commissioner Ptaszynski seconded the motion, which carried by unanimous consent. (3-0-0)~~

~~Mr. Cass advised that the application was scheduled for the Planning Commission meeting of April 2, 2009, but Planning staff would recommend a continuation of that date to the following meeting on April 16, 2009. Revised materials are due to Planning Services Division staff by April 2, 2009.~~

~~B. **HDP26-07 JOE DECREDICO (APPLICANT), JEFF WILCOX (OWNER), R-20 ZONING:** Request for: (1) Hillside Development Permit pursuant to Section 6-2015 of the Lafayette Municipal Code (LMC) and (2) Design Review pursuant to Section 6-1905 LMC to construct a 2,680 sq. ft. one-story and two-story additions (including an attached garage) with a maximum building height of 28'-2" and an 800 sq. ft. detached garage with a maximum building height of 12'-6" to an existing 1,880 sq. ft. one-story single-family residence within the Hillside Overlay District, located at 977 Stow Lane, APN 233-200-035. **Recommendation:** Consider the matter, take public testimony, and adopt Resolution 2009-08, conditionally approving application HDP26-07. **Project Planner:** Glenda Warmoth~~

~~The application was continued without discussion to the meeting of April 7, 2009, due to lack of a quorum.~~

C. **DR32-08 DAVID CLAYDON (APPLICANT), DAVID & ANN INGLIS (OWNERS), R-10 ZONING**: Request for: (1) design review pursuant to Section 6-1903 of the Lafayette Municipal Code to construct a 576 sq.ft. second-story addition over the existing garage with a maximum ridge height of 24'-0" increasing the total square footage to 3,684 sq.ft. thereby requiring (2), a change to Condition of Approval #33 for the minor subdivision that created the lot (file number MS511-89) that restricts the total floor area of all structures on the lot to 3,115 sq.ft. located at 3538 O'Conner Drive, APN 241-200-046.
Recommendation: Consider the matter, take public testimony, and forward a recommendation of approval to the Planning Commission based on design revision.
Project Planner: Glenda Warmoth

Ms. Warmoth reported that the Design Review Commission last reviewed the application on February 24, 2009. At that meeting, the Design Review Commission gave the applicants pointed guidance regarding modifications in architectural massing, and asked them to work with the neighbors regarding a revised plan to address privacy concerns. The applicants have submitted revised plan that included redesign of the second story addition, eliminating the hipped roof and introducing a steeper roof pitch. The plate height was lowered by one foot from 11-feet to 10-feet in the garage and from 9-feet to 8-feet in the playroom; however, the maximum building height increased from 22'8" to 23 feet. Staff reviewed the submittal and asked the applicant to find a new design solution that would not result in an increased building height. Staff further requested a separate front elevation drawing showing the home as it exists without the addition and with the new area as a dashed line, as well as a copy of the letter submitted to

the neighbors soliciting their feedback. In response to staff's request the applicants submitted a second set of revised drawings incorporating the hipped roof at the rear of the building, eliminating the second story windows along the east elevation, and maintaining the lower first floor plate height in the garage and play room to achieve a maximum height of 20-feet. Staff felt the application, while not addressing all of the Design Review Commission's comments, was headed in the right direction.

Ms. Warmoth cautioned that the application was near the end of the statutory deadline, with an extension, that it was important that the Planning Commission have one last opportunity to consider the application. She recommended that even if the Design Review Commission was not fully satisfied with the changes made, it forward the application to the Planning Commission with recommendations of what still needed to be addressed, addressing the application's consistency with the design standards and comments regarding the appropriateness of the addition within the subdivision.

Property owner David Inglis reported they had successfully communicated with many of the surrounding neighbors and had received support for the addition over the garage from the neighbors to the southeast and southwest, as well as the three neighbors on the southern edge of their property. He stated that the owner of the apartment building to the north had indicated no objection to the addition but asked about planting trees as the addition would overlook the apartment garages at the apartments themselves. Mr. Inglis wrote a letter to the Crawfords outlining their reasons for placing the addition over the garage, and suggesting a meeting with the Crawfords at their home to analyze the views from their property. He said that the Crawfords preferred a meeting at the Lafayette Starbucks, at which time Mr. Inglis presented their reasons for locating the addition over the garage. The Crawfords indicated they had no objection to a single-story extension of the Inglis home in the backyard area, but would under no circumstances support an addition over the garage. Mr. Inglis felt the idea of further discussions regarding privacy screening was moot as the Crawfords have indicated there unconditional opposition to the addition location.

David Claydon, project architect, reviewed the architectural changes to the plans. Mr. Claydon confirmed that the windows along the eastern elevation of the addition were removed and that the floor height of the addition had been lowered by one foot. He noted that the distance between the proposed addition to the Crawford's central living space was 48 feet. The applicants were also offering to plant evergreen trees to further screen the Crawford's wintertime views. He stated that the summertime views were screened by the existing deciduous trees. Mr. Claydon noted by dropping the floor line the ridgeline of the addition would be almost identical to the existing house. Referring to the street view of the house, Mr. Claydon stated that the ridgeline of the addition would blend in with the reset of the house.

Commissioner Ptaszynski referred to the street elevation, noting that the applicants had cut away the roof to allow for deeper windows. Commissioner Ptaszynski asked if it was intended to be a balcony. Mr. Claydon responded that they were keeping the existing roofline and that by cutting the roof to allow views from the window it created a shelf outside the window that was not intended to be a balcony.

Commission Chair Lee opened the hearing to public comment. Hearing none, the public hearing was closed and the matter brought to the Commission for comment and recommendation to the Planning Commission.

Commissioner Ptaszynski commented that he has watched the project over several sessions become more tortured with a loss of its original grace into a somewhat forced solution. He noted that loss was most prominent on the street face where the horizontal ridge created a very difficult roofline. Coupled with the cutaway, he stated that it was not good looking. Commissioner Ptaszynski thought it was a matter of one thing too many and would like to see the roof hipped on the street side without a step down. He suggested a better solution would be to lower the slope of the front roof to provide more glass area, and to de-emphasize the addition as much as possible.

Commissioner Cleaver agreed that the proposal presented an attempt to squeeze in an acceptable improvement. He commented that the discussion at the last meeting included getting the approval of the neighbor, which the applicant has attempted without success. Another point made at the last meeting was that under difficult conditions it was best to center the addition over the house; however, the applicant seemed willing only to offer an addition over the garage. Commissioner Cleaver supported

Commissioner Ptaszynski's suggestions. However, he did not feel the proposal offered was the correct solution, and agreed with Commissioner Ptaszynski that it was a tortured design.

Commission Chair Lee stated there was no way he would recommend an addition in this location. He commented that this flag lot surrounded by four or five other homes needed to have any second story mass small and centered over the existing house. He stated that to eliminate the second story windows and leave a blank wall and two-story mass over the neighbors' yard was not an appropriate solution.

Ms. Warmoth commented that the Planning Commission returned the application to the Design Review Commission because there were neighbor issues that had not been addressed in the initial Design Review process. She requested the Design Review Commission craft a short statement to the Planning Commission of what worked or not in the applicants' proposal.

Commission Chair Lee summarized Commissioners Cleaver and Ptaszynski's comments that the applicants were trying to place the addition in a location where it was awkward and architecturally unbalanced, and per the design guidelines, the mass should not be located to one side. Commission Chair Lee viewed it was a matter of neighbor privacy and respect. Collectively, these issues made it impossible for the Design Review Commission to make the required findings. Commissioner Ptaszynski agreed that the addition was inappropriate for that location.

Commissioner Ptaszynski moved to forward MS511-89CC and DR32-08 to the Planning Commission with the recommendation that since the project cannot meet the design review standards it was not an appropriate project as designed

Commission Chair Lee asked for the clarification of the motion. Commissioner Ptaszynski added to the motion that the standards of building massing, architectural character and detailing had been met.

Commissioner Cleaver added to the motion that the current solution had not gone far enough to resolve the neighbors' concerns.

Ms. Warmoth asked the Commission to cite the specific design review findings related to their comments.

Chair Lee stated that under §6-275 the areas of concern were site layout because of volume added on the site in an undesirable area and not sensitive to its surroundings, and that the orientation and location of the buildings are not to the standards normally expected. Additionally, the scale in particular and the architectural relationship of the site, other buildings and screening issues were not met.

With regard to §6-1905, relating to buildings over 17-feet in height, Commission Chair Lee had difficulty making all of the findings with the addition in the area currently proposed.

Commissioner Ptaszynski concurred, stating that although the applicants had brought the roof ridge down to the main ridge height, the massing next to the neighbor should be more considerate of neighbor privacy and views. As a consequence of forcing that issue, the applicant has created a structure not in scale and style with the neighborhood. Commissioner Ptaszynski accepted Commission Chair Lee's comments as part of the motion.

Commissioner Cleaver seconded the motion, which carried by unanimous consent. (3-0-0)

9. **NEW PUBLIC HEARINGS**: None

10. **OTHER BUSINESS**: None

11. **ADJOURN**: The meeting concluded at 9:50 p.m. The next regularly scheduled meeting of the Design Review Commission is Tuesday, April 7, 2009.

Respectfully submitted,

_____

Danielle Signorella

Meeting Minutes • PC 2009-04-02

City of Lafayette
Planning Commission Meeting
DRAFT MINUTES

Thursday, April 2, 2009, 7:00 pm
Lafayette Community Center, 500 St. Mary's Road, Manzanita Room

CALL TO ORDER

Chair Lovitt called the meeting to order, stating all expected commissioners were present. Commissioners Humann, Maggio, and Mitchell were absent and not expected.

ROLL CALL
Present: Chair Lovitt, Commissioners Ateljevich, Chastain, & Curtin-Tinley
Absent: Commissioners Humann, Maggio, and Mitchell

Staff Present: Glenda Warmoth, Assistant Planner, Niroop Srivatsa, Planning and Building Services Manager

ADOPTION OF AGENDA

Chair Lovitt asked for a motion to adopt the agenda, which was given by Commissioner Curtin-Tinley. A second was given by Commissioner Chastain, which was carried by unanimous consent. (4-0-0)

PUBLIC COMMENTS

Chair Lovitt opened the floor for public comments. None were offered.

CONSENT CALENDAR

As no consent calendar items were suggested to be removed, Chair Lovitt asked for a motion to approve the consent calendar. This was given by Commissioner Curtin-Tinley and seconded by Commissioner Ateljevich. It was carried by unanimous consent. (4-0-0)

CONTINUED PUBLIC HEARINGS

MS511-89CC & DR32-08 DAVID CLAYDON (APPLICANT), DAVID & ANN INGLIS (OWNERS), R-10 ZONING: Request for: (1) a change to Condition of Approval #33 restricts the total floor area of all structures on the lot to 3,115 sq.ft. (2) design review pursuant to Section 6-1903 of the Lafayette Municipal Code to construct a 576 sq.ft. second-story addition over the existing garage with a maximum ridge height of 24'-0" increasing the total square footage to 3,684 sq.ft. thereby requiring the change of condition request located at 3538 O'Conner Drive, APN 241-200-046.
Chair Lovitt asked for a staff report.

Glenda Warmoth stated that this project was before the Planning Commission in January 2009. She stated that the 11x17 sheet attached to the back of the provided paperwork reflected the most recent set of plans that were reviewed by the Design Review Commissioner in the prior week. She stated that the older plans were also provided by the request of the applicant. She explained that after the design left the Planning Commission it was looked at by the Design Review Commission in two meetings. The Design Commission used the public comments of neighbors and had discussion on the appropriate bulk and mass in regard to the design style. They requested that the applicant revise the drawings. This was done and the drawings went back to the Design Review Commission. The Design Review Commission then determined that the proposed architectural style was not consistent with their findings and approval was not recommended to the Planning Commission at that time. The resolution of denial on the project is included in the provided paperwork. Staff does not feel that some of the architectural components meet with the Design Review findings, but it is believed that staff could approve the increased size if a different design could be provided, as what is being asked for is not unreasonable or inconsistent with the surrounding area. She directed the Planning Commission to paperwork and pictures that are available on the dais. The pictures show story poles that were placed by the applicant. The applicant would like

the original drawings submitted in January to be considered as the Design Review Commission approved those at that time.

Chair Lovitt asked for any staff questions. He then directed the applicant to speak.

David Inglis introduced himself and stated that he would like the Planning Commission to review the plans from January. He stated that he does have additional comments from neighbors at this time, as well as information from a conversation that he had with his eastern neighbors, the Crawfords. He then quoted from prior Minutes of the Design Review Commission, noting that staff supported the application and that the Commissioners at that time supported and carried the motion with unanimous approval. After that the Crawfords appeared at the Planning Commission meeting and due to their objections, the matter went back to Design Review. The Design Commission asked for changes to be made, but also asked for comments to be gathered from many neighbors on the proposal. He collected letters from four property owners and then invited the Crawfords to a meeting to discuss their issues. He stated that although the Crawfords had mentioned massing and privacy as their main concerns to the Commission, Mrs. Crawford stated to Mr. Inglis that their concerns were more financial and that they would object to any extension over the garage, no matter the design or massing, as they are looking to sell their house in one to two years and believe that the proposed extension would reduce the value of their property.

Mr. Inglis continued, stating that as far as the privacy issues, skylights have been proposed on the eastern face instead of windows and vegetation will be increased. In regard to massing, they were unable to get approval from Design Review although the height and pitch of the roof were adjusted. The Design Review Commission stated that they no longer liked the look of the addition with these changes and so now he is asking that the original design be looked at again. He then turned the floor over to Mr. Claydon for comment.

Mr. Claydon began by stating that although it is the usual practice to center an addition such as this, it is not possible here due to floor height and existing vaulted ceilings. If the addition were to be centered, the bottom level would lose a bedroom, as a stair would need to be added. This would cause the addition to be for two bedrooms, which would increase the massing and floor area. As the Design Review Commission rejected the proposed changes, he would also like to have the original plans considered. As far as privacy concerns, the windows that overlook the eastern neighbors would be removed. They are prepared to let the existing vegetation grow to add to the coverage, or to supplement it with additional plantings. At the meeting this evening he would like to obtain a change of conditions so that the floor area can be increased above the current limit of 3,015 square feet. He did some research on this, including speaking to Mike Henn, the original staff member who created the recommendation for size. Mr. Henn stated that it was loosely based on a 30% floor area ratio. Mr. Claydon concluded stating that the privacy issues were the main factor with the Crawfords and he believes that those concerns have been met.

Chair Lovitt asked if anyone had questions of the applicant. He then asked for public comments. There were none. Chair Lovitt opened the floor to the applicant for an additional 5 minutes.

Mr. Inglis stated that the reason for the addition request is that as his children have grown, they have determined that they need extra space. They attempted to purchase another property, but the financing did not come through. They then decided that an addition to their current property would be suitable. They were also informed at that time that an elderly relative from England would like to stay with them for an extended period of time, which made their need for additional space even more important.

Chair Lovitt asked for a motion to close the public portion. This was given by Commissioner Curtin-Tinley and seconded by Commissioner Chastain and carried by unanimous consent. (4-0-0) Chair Lovitt then directed the Commission to make comment.

Commissioner Ateljevich stated that she has no problem with the addition. She would like the landscaping plan to not have redwood trees as there are oaks on the property and she does not think they are a good combination.

Commissioner Chastain recalled that previously there was a daylight issue and that there was some discussion regarding moving the room back from the edge and he notes that has not been done.

Chair Lovitt stated that he did visit the Crawford's lot and noted that there is some impact on the neighboring lots. He stated that the information just presented did not change his opinion on this. He would like to recommend that the resolution 2009-02 denying the application be adopted.

Commissioner Curtin-Tinley stated that she is not opposed to a second story, but she is still concerned about the massing.

Chair Lovitt stated that if resolution were denied without prejudice there would be an opportunity to bring it back.

Ms. Warmoth stated that she did not think that another meeting could be done before April 11, which is the deadline with the PSA extension. She confirmed that if the resolution was denied without prejudice the revisions could continue without additional fees having to be paid.

Ms. Srivatsa explained that charges are based on five meetings per application and although five meetings have already occurred, they will allow the applicant to reapply without charge. She then added that the comments of the Planning Commission and the Design Review Commission must be reflected in the new plans. If not, more meetings will be held on the issue and an additional charge could be incurred.

Commissioner Chastain said that he thinks that the resolution for denial should be approved. Although the addition is not large, recommendations were made at prior meetings, but are not reflected in what is presented at this time. He confirmed that his comments were a motion to deny without prejudice.

Chair Lovitt confirmed the motion. Commissioner Curtin-Tinley seconded this. Commissioner Ateljevich opposed. The motion carried. (3-1-0) Chair Lovitt stated there is a 14-day appeal period.

NEW HEARINGS

None.

~~OTHER BUSINESS~~

~~A. **UPDATE ON THE DOWNTOWN STRATEGY**~~
~~**Recommendation**: Develop Commission recommendations to the City Council.~~

~~Chair Lovitt asked for staff comments or a report.~~

~~Ms. Srivatsa said that there is not a staff report but that new materials have been provided, including comments from Commissioners Mitchell and Maggio, as well as a series of maps. Commissioners Chastain and Ateljevich have presented recommendations in a memo as well as in a map. There was also a list of items that had been marked at the last meeting to be discussed at a later time.~~

~~Chair Lovitt stated that as this is the last meeting of this before they join to discuss the draft plan with the City Council, it is important that the Planning Commission's comments and recommendations about the plan be well laid out. He would like to create a short summary of those recommendations. He then directed the discussion to Commissioner Chastain.~~

~~Commissioner Chastain opened the floor to public comment.~~

~~Ruth Bailey introduced herself and explained that she noted that her street of Beechwood Drive is not noted on the maps. She asked if there were plans to remove it.~~

~~Commissioner Chastain explained that her street is not in the considered area, so there is not an issue as to it. He then directed the floor to Eliot Hudson.~~

~~Eliot Hudson introduced himself and expressed that he would like to thank the subcommittee, as their work is a great improvement over what WRT had proposed. However, he would like to see the height increases be eliminated. He does not see the need for them at all. In reviewing the economic study for the plan, he noted that~~

Agency Referral Responses

INSIDEOUT architecture | interiors | landscape

RECEIVED
DEC 0 1 2008
CITY OF LAFAYETTE
PLANNING DEPT.

November 25, 2008

Glenda Warmoth, Assistant Planner
City of Lafayette
3675 Mt. Diablo Boulevard
Lafayette, California 94549

RE: DR32-08 DAVID CLAYDON (APPLICANT), DAVID & ANN INGLIS (OWNERS), R-10 ZONING, Account #1886.

Dear Glenda,

We have reviewed the submitted set of plans, with a recent *Site Plan/Cover Sheet* date of October 10, 2008, for the construction of a two story addition to an existing one story residence at 3538 O'Conner Drive.

A site visit was made on November 21, 2008.

Site Observations and Recommendations

The subject property is located in central Lafayette south of the downtown area. O'Conner Drive is a residential lane accessed west of Moraga Road, north of the St Mary's Road intersection. The site is at the terminus of a shared access driveway north of O'Conner Drive. The proposed second story addition, located over an existing garage, would not adversely affect any existing trees in the vicinity.

The existing garage runs parallel to, and is setback approximately 10 feet from, the eastern property line of the lot. The proposed second story addition, atop the existing garage, is stepped back approximately 3 feet from the eastern wall of the garage.

The proposed addition would place minor to insignificant view impacts on the existing residential community:

- An existing stand of trees (including oaks, ash, redwoods and *Liquidambar*) runs along the eastern property line on the neighboring property at 3536 O'Conner Drive. These trees appear to provide an adequate buffer for the proposed second story addition.

- An existing garage runs along the northern property line at the neighboring property to the north, an apartment complex, at 3535 Brook Street. The garage provides a substantial buffer.
- Due to the 'deep' location of the property at the end of the shared access lane, and the modest addition, minor to insignificant view disruptions would be placed on the remaining residences in the neighborhood.

While on site, it was noted that a white wash or paint (possibly where paint brushes had been cleaned) had been placed at the root crown of two coast live oaks along the western property line. Given the river rock surfacing, this may appear as an ideal location to do such; however, the chemical solution of the wash is likely adversely affecting the oaks. If additional washing is to occur, we suggest that it be done north of the two oaks.

Also while on site, it was noted that the front and rear yards (southern and northern, respectively) had been recently 'scraped' or slightly excavated. A crew was on site from Ashby Lumber installing home improvements. They indicated a landscape crew had been on site preparing to install 'artificial turf', and gestured to a rolled green carpet in the rear yard. A boundary line also had been marked with orange paint indicating where the turf was to be laid. It appears the 'turf' is to be simply 'rolled' onto the scraped surface of the two yards. To verify this, we returned to the site at a later point in the day but the landscape crew had not returned. I left a business card requesting that the contractors contact InsideOut Design to discuss but have yet to hear from them.

If indeed it is the intention to roll the carpet on top the excavated grade, we suggest this endeavor be reconsidered. While we appreciate the homeowners' efforts to minimize future water use, we do not recommend such an application for outdoor use. The following are concerns for applying a carpet on a natural grade:

- *Drainage and Durability*

  Typically, artificial turf has a specific profile, base preparation and an extensive subsurface drainage. Surface drainage percolates through the turf and substrate and is collected through subsurface drains and fed into an onsite water dissipater and/or catch basin. Without such, ponding is likely to occur. The turf, likely intended for indoor use, is not likely to endure the elements of weather and sun.

- *Soil conditions*

  Existing trees are within a few feet of the indicated turf area. These include: a 25" valley oak along the western property line in the front yard and several redwoods in the rear yard. The application of the turf carpet may lead to anaerobic conditions limiting the exchange of oxygen within the root system of the trees.

- *Pets*

  While on-site, I was greeted by an array of friendly four legged pets. Unless a radical regime change is planned for the furry residents, a significant maintenance issue may arise. Even *functional* artificial turf is notorious as not being dog or cat friendly.

If water use is a concern, the yard can be landscaped with appropriate native and drought tolerant plants. Many natives require only supplemental water to become established (typically the first two dry seasons).

Please contact us if you have questions or need additional information.

Sincerely,

INSIDEOUT DESIGN, INC

Pennell Phillips
Landscape Consultant
Certified Arborist, WE-6608A

Contra Costa County Fire Protection District

Fire Chief
KEITH RICHTER

RECEIVED
DEC 0 1 2008
CITY OF LAFAYETTE
PLANNING DEPT.

November 26, 2008

Ms. Glenda Warmoth
City of Lafayette
Planning Services Division
3675 Mt. Diablo Blvd., Suite 210
Lafayette, CA 94549

Subject: Inglis Residence Addition; DR32-08
3538 O'Conner Drive, Lafayette
CCCFPD Project No.: 112005-PL

Dear Ms. Warmoth:

We have reviewed the design review application to construct a 576 square-foot second story addition over an existing garage at the subject location. The following is required for Fire District approval in accordance with the Health and Safety Code, the 2007 California Fire Code (CFC), 2007 California Building Code (CBC), and Local Ordinances:

1. The existing automatic fire sprinkler system shall be modified to extend coverage to the proposed second story addition and shall comply with the 2002 edition of NFPA 13D. **Submit three sets of plans to this office for review and approval prior to installation.**

2. The developer shall provide roof coverings with a minimum Class A rating. Untreated wood shake or shingles are not allowed. (1503) T-24, CCR, Lafayette Ordinance 418 (3-505A)

The above-referenced CCCFPD Project Number shall be required in all correspondence or communication with the Fire District.

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at 925.941.3300.

Sincerely,

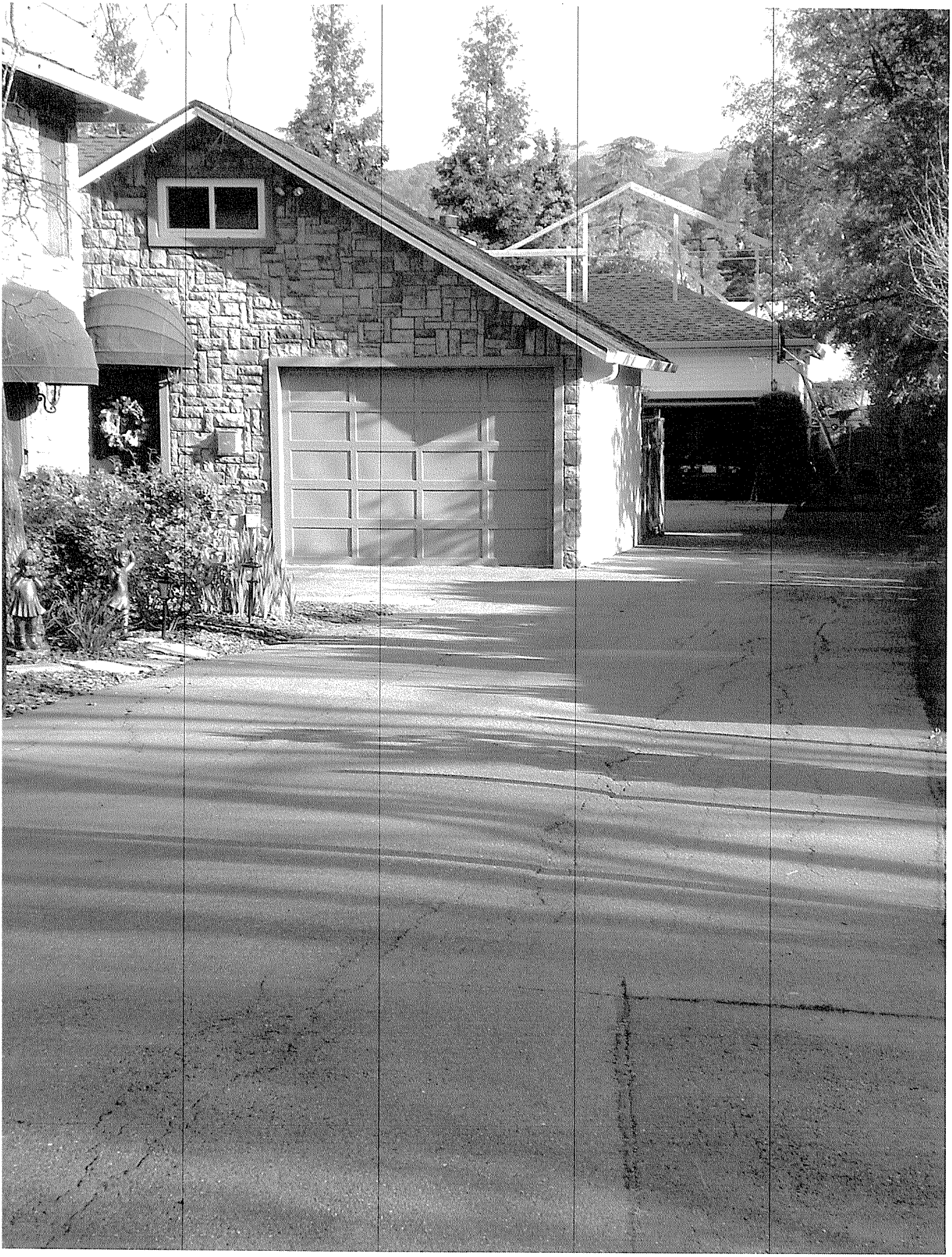
Ted Leach
Fire Prevention Technician

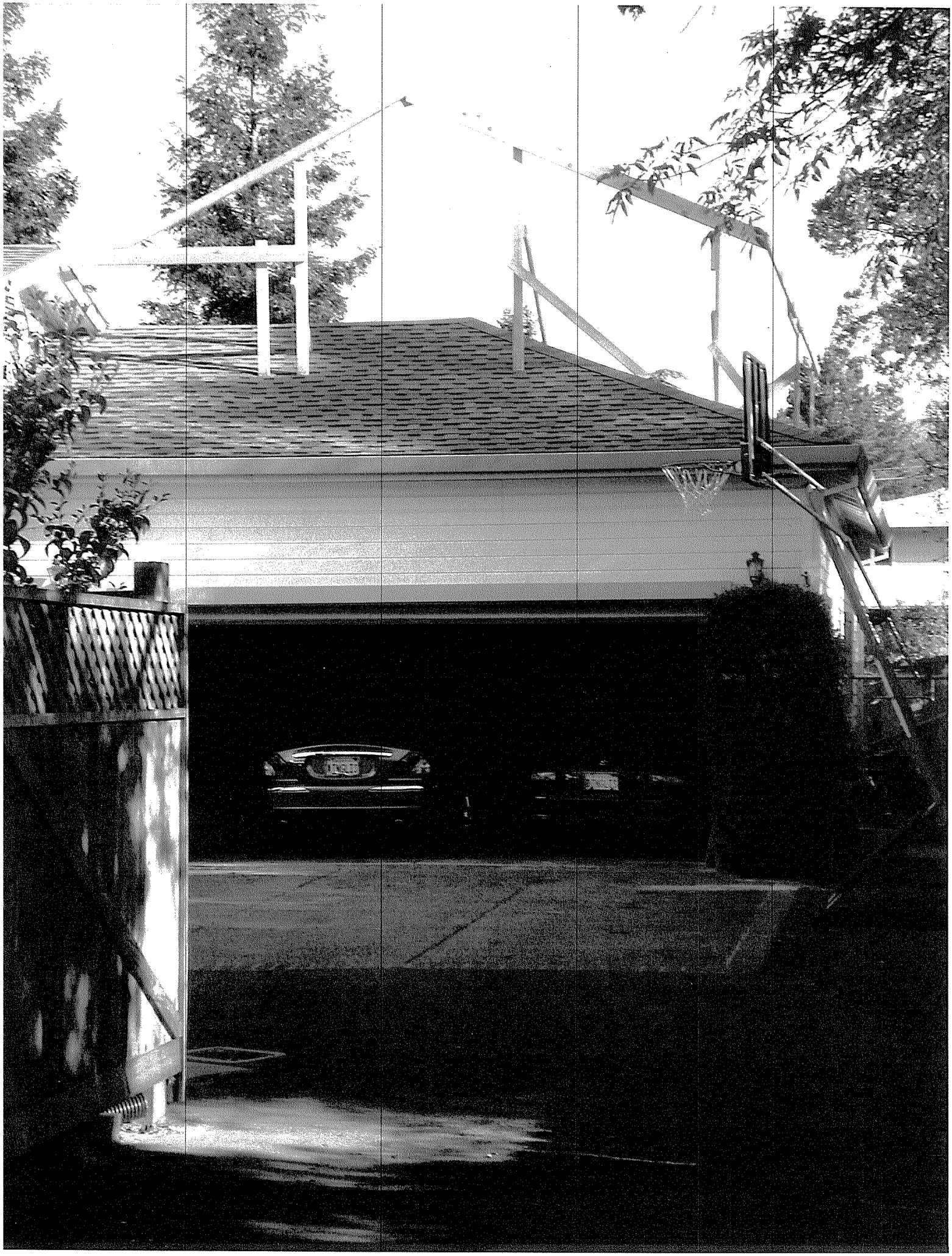
TL/mm

c: David and Ann Inglis
3538 O'Conner Drive
Lafayette, CA 94549

File: 112005 – 3538 O'Conner Drive, Lafayette .ltr

Photos of Story Poles





Reduced Project Plans Reviewed by PC 2009-01-22